



House of Representatives

General Assembly

File No. 662

January Session, 2009

House Bill No. 6698

House of Representatives, April 16, 2009

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE 2009 REVISOR'S TECHNICAL CORRECTIONS TO THE GENERAL STATUTES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 2c-8 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 In determining whether a regulatory entity or program has served
4 the general public, and not merely the persons regulated, the General
5 Assembly shall consider, among other things:

6 [(a)] (1) The extent to which qualified applicants have been
7 permitted to engage in any profession, occupation, trade or activity
8 regulated by the entity or program;

9 [(b)] (2) The extent to which the governmental entity involved has
10 complied with federal and state affirmative action requirements;

11 [(c)] (3) The extent to which the governmental entity involved has
12 recommended statutory changes which would benefit the public as

13 opposed to the persons regulated;

14 [(d)] (4) The extent to which the governmental entity involved has
15 encouraged public participation in the formulation of its regulations
16 and policies; [,] and

17 [(e)] (5) The manner in which the governmental entity involved has
18 processed and resolved public complaints concerning persons subject
19 to regulation.

20 Sec. 2. Subsection (a) of section 3-76q of the general statutes is
21 repealed and the following is substituted in lieu thereof (*Effective from*
22 *passage*):

23 (a) If the state defaults in the payment of principal or interest on any
24 issue of special obligation bonds after they become due, whether at
25 maturity or upon call for redemption, and the default continues for
26 thirty days, or if the state fails or refuses to comply with this part or
27 defaults in any agreement made with a municipality or with the
28 holders of any issue of bonds, and such failure or refusal continues
29 thirty days after written notice thereof, the holders of twenty-five per
30 centum in aggregate principal amount of the outstanding bonds of that
31 issue, by instrument filed in the office of the Secretary of the State and
32 executed in the same manner as a deed to be recorded, subject to the
33 provisions of subsection (r) of section 3-76g, may appoint a trustee to
34 represent the holders of those bonds for the purposes herein provided
35 and the municipality may proceed by mandamus or other appropriate
36 suit, action or proceeding at law or in equity to enforce its rights.

37 Sec. 3. Subsection (d) of section 5-259d of the general statutes is
38 repealed and the following is substituted in lieu thereof (*Effective from*
39 *passage*):

40 (d) No state employee shall be deemed ineligible for any benefit
41 under this section or under any other provision of this chapter solely
42 because such employee's leave time is classified as recess or other
43 equivalent leave time rather than vacation time pursuant to the

44 provisions of a collective bargaining agreement, including a collective
45 bargaining agreement covering a state employee in a teaching,
46 instructional or professional position in [the] Unified School [Districts
47 1, 2 or 3] District #1, #2 or #3.

48 Sec. 4. Section 6-32d of the general statutes is repealed and the
49 following is substituted in lieu thereof (*Effective from passage*):

50 (a) Except as otherwise agreed between the Judicial Branch and the
51 Department of Correction or other appropriate agency, the
52 responsibility for transportation and custody of prisoners shall be
53 assumed as follows:

54 (1) The Judicial Branch shall be responsible for the transportation of
55 male prisoners between courthouses and: (A) Community [correction]
56 correctional centers, until sentencing; (B) other places of confinement
57 after arraignment and until sentencing; and (C) the place of initial
58 confinement, after sentencing. In addition, the Judicial Branch shall be
59 responsible for the transportation of adult female prisoners between
60 courthouses and community [correction] correctional centers, not
61 including the correctional institution at Niantic. If such transportation
62 is in other than state vehicles, the owner of the vehicle used shall be
63 reimbursed by the state at the rate then established for state employees
64 within the Office of Policy and Management.

65 (2) The Department of Correction shall be responsible for the
66 transportation of adult female prisoners between places of
67 confinement and either courthouses or community [correction]
68 correctional centers, at the discretion of the Commissioner of
69 Correction. In the transportation of prisoners between courthouses and
70 community correctional centers, there shall be complete separation of
71 male and female prisoners.

72 (3) The Judicial Branch shall be responsible for the custody of
73 prisoners at courthouses, except that the local police operating any
74 lockup which is designated by the Chief Court Administrator as a
75 courthouse lockup shall be responsible for the custody of prisoners

76 within that lockup. In addition, if such designated lockup is not in the
77 same building as the courthouse serviced by it, the local police
78 operating such designated lockup shall be responsible for escorting
79 prisoners from the lockup to the courthouse. The town in which such a
80 designated lockup is located shall be reimbursed pursuant to section 7-
81 135a.

82 (4) In Hartford County, the Lafayette Street courthouse shall be
83 used as housing for persons arrested by the police department of the
84 city of Hartford and held for presentment at the next session of the
85 court pursuant to the following terms and conditions: (A) No arrestees
86 shall be admitted or released directly to or from the lockup, and no
87 social visits shall be permitted at the lockup; (B) all processing and
88 booking shall be accomplished by the police department of the city of
89 Hartford at its booking facility; (C) after arrival at the lockup and prior
90 to arraignment, the release of any arrestee, with or without bond, shall
91 be accomplished by the police department of the city of Hartford from
92 its booking facility; and (D) the Judicial Branch shall be responsible for
93 the operation of the lockup at the Lafayette Street courthouse and the
94 transportation of arrestees prior to arraignment from the booking
95 facility of the police department of the city of Hartford.

96 (b) The Judicial [Department] Branch shall employ judicial marshals
97 for prisoner custody and transportation responsibilities pursuant to
98 this section. The Chief Court Administrator may establish employment
99 standards and implement appropriate training programs to assure
100 secure prisoner custody and transportation. Such standards and
101 programs shall be in force and effect by December 1, 2000. Any
102 property used by the sheriffs for prisoner transportation shall be
103 transferred to the Judicial [Department] Branch.

104 (c) The Judicial [Department] Branch may enter into an agreement
105 with state agencies for the management, training or coordination, or
106 any combination thereof, of courthouse security and prisoner custody
107 and transportation functions.

108 Sec. 5. Subsection (a) of section 7-51 of the general statutes is

109 repealed and the following is substituted in lieu thereof (*Effective from*
110 *passage*):

111 (a) The department and registrars of vital [records] statistics shall
112 restrict access to and issuance of a certified copy of birth and fetal
113 death records and certificates less than one hundred years old, to the
114 following eligible parties: (1) The person whose birth is recorded, if
115 over eighteen years of age; (2) such person's children, grandchildren,
116 spouse, parent, guardian or grandparent; (3) the chief executive officer
117 of the municipality where the birth or fetal death occurred, or the chief
118 executive officer's authorized agent; (4) the local director of health for
119 the town or city where the birth or fetal death occurred or where the
120 mother was a resident at the time of the birth or fetal death, or the
121 director's authorized agent; (5) attorneys-at-law and title examiners
122 representing such person or such person's parent, guardian, child or
123 surviving spouse; (6) members of genealogical societies incorporated
124 or authorized by the Secretary of the State to do business or conduct
125 affairs in this state; (7) agents of a state or federal agency as approved
126 by the department; and (8) researchers approved by the department
127 pursuant to section 19a-25. Except as provided in section 19a-42a,
128 access to confidential files on paternity, adoption, gender change or
129 gestational agreements, or information contained within such files,
130 shall not be released to any party, including the eligible parties listed
131 in this subsection, except upon an order of a court of competent
132 jurisdiction.

133 Sec. 6. Section 7-65 of the general statutes is repealed and the
134 following is substituted in lieu thereof (*Effective from passage*):

135 The embalmer or funeral director licensed by the department, or
136 licensed in a state having a reciprocal agreement on file with the
137 department and complying with the terms of such agreement, who
138 assumes custody of a dead body shall obtain a removal, transit and
139 burial permit from the registrar of the town in which the death
140 occurred or the town in which the embalmer or funeral director
141 maintains a place of business not later than five calendar days after

142 death, and prior to final disposition or removal of the body from the
143 state. The embalmer or funeral director who assumes custody and
144 control of the body and obtains a removal, transit and burial permit
145 from the registrar of the town in which the embalmer or funeral
146 director maintains a place of business shall be obligated to file the
147 death certificate, in accordance with the provisions of section 7-62b, in
148 person, through an electronic registry system or by certified mail,
149 return receipt requested. The burial permit shall specify the place of
150 burial or other place of interment and state that the death certificate
151 and any other certificate required by law have been returned and
152 recorded. Such registrar shall appoint suitable persons as
153 subregistrars, who shall be authorized to issue a removal, transit and
154 burial permit for any death that occurs in the registrar's town, based
155 upon receipt of a completed death certificate as provided in section 7-
156 62b, during the hours in which the office of the registrar of vital
157 [records] statistics is closed. All such certificates upon which a permit
158 is issued shall be forwarded to the registrar not later than seven days
159 after receiving such certificates. The appointment of subregistrars shall
160 be made in writing, with the approval of the selectmen of such town,
161 and shall be made with reference to locality, to best accommodate the
162 inhabitants of the town. Such subregistrars shall be sworn, and their
163 term of office shall not extend beyond the term of office of the
164 appointing registrar. The names of such subregistrars shall be reported
165 to the Department of Public Health. The Chief Medical Examiner,
166 Deputy Chief Medical Examiner and associate medical examiners shall
167 be considered subregistrars of any town in which death occurs for the
168 purpose of issuing removal, transit and burial permits. The fee for such
169 removal, transit and burial permit shall be paid to the town issuing the
170 removal, transit and burial permit.

171 Sec. 7. Subsection (b) of section 8-265dd of the general statutes is
172 repealed and the following is substituted in lieu thereof (*Effective from*
173 *passage*):

174 (b) Notwithstanding any provision of the general statutes, or any
175 rule of law to the contrary, on and after July 1, 2008, no judgment of

176 strict foreclosure nor any judgment ordering a foreclosure sale shall be
177 entered in any action instituted by the mortgagee to foreclose a
178 mortgage commenced on or after [such] said date, for the foreclosure
179 of an eligible mortgage unless (1) notice to the mortgagor has been
180 given by the mortgagee in accordance with section 8-265ee and the
181 time for response has expired, and (2) a determination has been made
182 on the mortgagor's application for emergency mortgage assistance
183 payments in accordance with section 8-265ff or the applicable time
184 periods set forth in sections 8-265cc to 8-265kk, inclusive, have expired,
185 whichever is earlier. For purposes of this section and sections 8-265ee
186 to 8-265kk, inclusive, an "eligible mortgage" is a mortgage which
187 satisfies the standards contained in subdivisions (1), (3), (8) and (10) to
188 (13), inclusive, of subsection (d) of section 8-265ff.

189 Sec. 8. Section 9-249a of the general statutes is repealed and the
190 following is substituted in lieu thereof (*Effective from passage*):

191 (a) The names of the parties shall be arranged on the machines in
192 the following order:

193 (1) The party whose candidate for Governor polled the highest
194 number of votes in the last-preceding election;

195 (2) Other parties who had candidates for Governor in the last-
196 preceding election, in descending order, according to the number of
197 votes polled for each such candidate;

198 (3) Minor parties who had no candidate for Governor in the last-
199 preceding election;

200 (4) Petitioning candidates with party designation whose names are
201 contained in petitions approved pursuant to section 9-453o; [.] and

202 (5) Petitioning candidates with no party designation whose names
203 are contained in petitions approved pursuant to section 9-453o.

204 (b) Within each of subdivisions (3) and (4) of subsection (a) of this
205 section, the following rules shall apply in the following order:

206 (1) Precedence shall be given to the party any of whose candidates
207 seeks an office representing more people than are represented by any
208 office sought by any candidate of any other party;

209 (2) A party having prior sequence of office as set forth in section 9-
210 251 shall be given precedence; [,] and

211 (3) Parties shall be listed in alphabetical order.

212 (c) Within subdivision (5) of subsection (a) of this section,
213 candidates shall be listed according to the provisions of section 9-453r.

214 Sec. 9. Subsection (b) of section 10a-77 of the general statutes is
215 repealed and the following is substituted in lieu thereof (*Effective from*
216 *passage*):

217 (b) The Board of Trustees of the Community-Technical Colleges
218 shall establish and administer a fund to be known as the Regional
219 Community-Technical Colleges Operating Fund. Appropriations from
220 general revenues of the state and, upon request by the board and with
221 an annual review and approval by the Secretary of the Office of Policy
222 and Management, the amount of the appropriations for fringe benefits
223 and workers' compensation applicable to the community-technical
224 colleges pursuant to [subsection (a) of section 4-73] sections 4-73 and 4-
225 73a, shall be transferred from the Comptroller, and all tuition revenue
226 received by the regional community-technical colleges in accordance
227 with the provisions of subsection (a) of this section shall be deposited
228 in said fund. Income from student fees or related charges; the proceeds
229 of auxiliary activities and business enterprises, gifts and donations;
230 federal funds and grants for purposes other than research, and all
231 receipts derived from the conduct by the colleges of their education
232 extension programs and summer school sessions shall be credited to
233 said fund but shall be allocated to the central office and institutional
234 operating accounts which shall be established and maintained for the
235 central office and each community-technical college. If the Secretary of
236 the Office of Policy and Management disapproves such transfer, the
237 secretary may require the amount of the appropriation for operating

238 expenses to be used for personal services and fringe benefits to be
239 excluded from said fund. The State Treasurer shall review and
240 approve the transfer prior to such request by the board of trustees. The
241 board shall establish an equitable policy for allocation of
242 appropriations from general revenues of the state, fringe benefits
243 transferred from the Comptroller and tuition revenue deposited in the
244 Regional Community-Technical Colleges Operating Fund. At the
245 beginning of each quarter of the fiscal year, the board shall allocate and
246 transfer, in accordance with said policy, moneys for expenditure in
247 such institutional operating accounts, exclusive of amounts retained
248 for central office operations and reasonable reserves for future
249 distribution. All costs of waiving or remitting tuition pursuant to
250 subsection (e) of this section shall be charged to the Regional
251 Community-Technical Colleges Operating Fund. Repairs, alterations
252 or additions to facilities supported by operating funds and costing one
253 million dollars or more shall require the approval of the General
254 Assembly, or when the General Assembly is not in session, of the
255 Finance Advisory Committee. Any balance of receipts above
256 expenditures shall remain in said fund, except such sums as may be
257 required for deposit into a debt service fund or the General Fund for
258 further payment by the Treasurer of debt service on general obligation
259 bonds of the state issued for purposes of community-technical colleges.

260 Sec. 10. Subsection (b) of section 10a-99 of the general statutes is
261 repealed and the following is substituted in lieu thereof (*Effective from*
262 *passage*):

263 (b) The Board of Trustees of the Connecticut State University
264 System shall establish and administer a fund to be known as the
265 Connecticut State University System Operating Fund. Appropriations
266 from general revenues of the state and upon request by the
267 Connecticut State University System and with the annual review and
268 approval by the Secretary of the Office of Policy and Management, the
269 amount of the appropriations for fringe benefits pursuant to
270 [subsection (a) of section 4-73] sections 4-73 and 4-73a, shall be
271 transferred from the State Comptroller and all tuition revenue received

272 by the Connecticut State University System in accordance with the
273 provisions of subsection (a) of this section shall be deposited in said
274 fund. Income from student fees or related charges, the proceeds of
275 auxiliary activities and business enterprises, gifts and donations,
276 federal funds and grants, subject to the provisions of sections 10a-98 to
277 10a-98g, inclusive, and all receipts derived from the conduct by a state
278 university of its education extension program and its summer school
279 session shall be credited to said fund but shall be allocated to the
280 central office and institutional operating accounts which shall be
281 established and maintained for the central office and each state
282 university. Any such gifts and donations, federal funds and grants for
283 purposes of research shall be allocated to separate accounts within
284 such central office and institutional operating accounts. If the Secretary
285 of the Office of Policy and Management disapproves such transfer, [he]
286 the secretary may require the amount of the appropriation for
287 operating expenses to be used for personal services and fringe benefits
288 to be excluded from said fund. The State Treasurer shall review and
289 approve the transfer prior to such request by the university. The board
290 of trustees shall establish an equitable policy for allocation of
291 appropriations from general revenues of the state, fringe benefits
292 transferred from the State Comptroller and tuition revenue deposited
293 in the Connecticut State University System Operating Fund. At the
294 beginning of each quarter of the fiscal year, the board shall allocate and
295 transfer, in accordance with said policy, moneys for expenditure in
296 such institutional operating accounts, exclusive of amounts retained
297 for central office operations and reasonable reserves for future
298 distribution. All costs of waiving or remitting tuition pursuant to
299 subsection (e) of this section shall be charged to the Connecticut State
300 University System Operating Fund. Repairs, alterations or additions to
301 facilities supported by the Connecticut State University System
302 Operating Fund and costing one million dollars or more shall require
303 the approval of the General Assembly, or when the General Assembly
304 is not in session, of the Finance Advisory Committee. Any balance of
305 receipts above expenditures shall remain in said fund, except such
306 sums as may be required for deposit into a debt service fund or the

307 General Fund for further payment by the Treasurer of debt service on
308 general obligation bonds of the state issued for purposes of the
309 Connecticut State University System.

310 Sec. 11. Subsections (b) and (c) of section 10a-105 of the general
311 statutes are repealed and the following is substituted in lieu thereof
312 (*Effective from passage*):

313 (b) The Board of Trustees of The University of Connecticut shall
314 establish and administer a fund to be known as The University of
315 Connecticut Operating Fund, and in addition, may establish a Special
316 External Gift Fund, and an endowment fund, as defined in section 10a-
317 109c, and such other funds as may be established pursuant to
318 subdivision (13) of subsection (a) of section 10a-109d. Appropriations
319 from general revenues of the state and, upon request by the university
320 and with an annual review and approval by the Secretary of the Office
321 of Policy and Management, the amount of the appropriations for fringe
322 benefits and workers' compensation applicable to the university
323 pursuant to [subsection (a) of section 4-73] sections 4-73 and 4-73a,
324 shall be transferred from the Comptroller, and all tuition revenue
325 received by the university in accordance with the provisions of
326 subsection (a) of this section, income from student fees or related
327 charges, the proceeds of auxiliary activities and business enterprises,
328 gifts and donations, federal funds and grants for purposes other than
329 research and all receipts derived from the conduct by The University
330 of Connecticut of its education extension program and its summer
331 school session, except funds received by The University of Connecticut
332 Health Center, shall be deposited in said operating fund. If the
333 Secretary of the Office of Policy and Management disapproves such
334 transfer, [he] the secretary may require the amount of the
335 appropriation for operating expenses to be used for personal services
336 and fringe benefits to be excluded from said fund. The State Treasurer
337 shall review and approve the transfer prior to such request by the
338 university. All costs of waiving or remitting tuition pursuant to
339 subsection (e) of this section, except the cost of waiving or remitting
340 tuition for students enrolled in the schools of medicine or dental

341 medicine, shall be charged to said fund. Repairs, alterations or
342 additions to facilities supported by said fund costing one million
343 dollars or more shall require the approval of the General Assembly, or
344 when the General Assembly is not in session, of the Finance Advisory
345 Committee. Any balance of receipts above expenditures shall remain
346 in said fund, except such sums as may be required for deposit into a
347 debt service fund or the General Fund for further payment by the
348 Treasurer of debt service on general obligation bonds of the state
349 issued for purposes of The University of Connecticut.

350 (c) The Board of Trustees of The University of Connecticut shall
351 establish and administer a fund to be known as The University of
352 Connecticut Health Center Operating Fund. Appropriations from
353 general revenues of the state except the amount of the appropriation
354 for operating expenses to be used for personal services and the
355 appropriations for fringe benefits pursuant to [subsection (a) of section
356 4-73] sections 4-73 and 4-73a, all tuition revenue received by the health
357 center in accordance with the provisions of subsection (a) of this
358 section, income from student fees or related charges, proceeds from
359 auxiliary and business enterprises, gifts and donations, federal funds
360 and grants for purposes other than research and other income relative
361 to these activities shall be deposited in said fund. All costs of waiving
362 or remitting tuition pursuant to subsection (f) of this section for
363 students enrolled in the schools of medicine or dental medicine shall
364 be charged to said fund. Repairs, alterations or additions to facilities
365 supported by said fund costing one million dollars or more shall
366 require the approval of the General Assembly, or when the General
367 Assembly is not in session, of the Finance Advisory Committee. Any
368 balance of receipts above expenditures shall remain in said fund,
369 except such sums as may be required for deposit into a debt service
370 fund or the General Fund for further payment by the Treasurer of debt
371 service on general obligation bonds of the state issued for purposes of
372 The University of Connecticut Health Center.

373 Sec. 12. Subdivision (5) of subsection (a) of section 10-397 of the
374 general statutes is repealed and the following is substituted in lieu

375 thereof (*Effective from passage*):

376 (5) The southwestern regional district, which shall consist of
377 Bridgeport, Darien, Easton, Fairfield, Greenwich, Monroe, New
378 Canaan, [Monroe,] Norwalk, Shelton, Stamford, Stratford, Trumbull,
379 Weston, Westport and Wilton.

380 Sec. 13. Subdivision (82) of section 12-412 of the general statutes is
381 repealed and the following is substituted in lieu thereof (*Effective from*
382 *passage*):

383 (82) (A) The sale of and the storage, use or other consumption of any
384 commercial motor vehicle, as defined in subparagraphs (A) and (B) of
385 subdivision (15) of [subsection (a) of] section 14-1, that is operating
386 pursuant to the provisions of section 13b-88 or 13b-89, during the
387 period commencing upon its purchase and ending one year after the
388 date of purchase, provided seventy-five per cent of its revenue from its
389 days in service is derived from out-of-state trips or trips crossing state
390 lines.

391 (B) Each purchaser of a commercial motor vehicle exempt from tax
392 pursuant to the provisions of this subsection shall, in order to qualify
393 for said exemption, present to the retailer a certificate, in such form as
394 the commissioner may prescribe, certifying that seventy-five per cent
395 of such vehicle's revenue from its days in service will be derived from
396 out-of-state trips or trips crossing state lines. The purchaser of the
397 motor vehicle shall be liable for the tax otherwise imposed if, during
398 the period commencing upon its purchase and ending one year after
399 the date of purchase, seventy-five per cent of the vehicle's revenue
400 from its days in service is not derived from out-of-state trips or trips
401 crossing state lines.

402 Sec. 14. Section 12-809 of the general statutes is repealed and the
403 following is substituted in lieu thereof (*Effective from passage*):

404 Each director and the president shall execute a surety bond in the
405 penal sum of fifty thousand dollars. The chairman of the board may

406 execute a blanket position surety bond, or arrange for separate surety
407 bonds, covering each director, the president and the employees of the
408 corporation at amounts determined by the board, but in no event less
409 than the sum of fifty thousand dollars per person. Each surety bond
410 shall be conditioned upon the faithful performance of the duties of the
411 office or offices covered, be executed by a surety company authorized
412 to transact business in this state as surety, be approved by the Attorney
413 General and be filed in the office of the Secretary of the State. The cost
414 of each such bond shall be paid by the corporation.

415 Sec. 15. Subdivision (53) of section 14-1 of the general statutes is
416 repealed and the following is substituted in lieu thereof (*Effective from*
417 *passage*):

418 (53) "Motor vehicle" means any vehicle propelled or drawn by any
419 nonmuscular power, except aircraft, motor boats, road rollers, baggage
420 trucks used about railroad stations or other mass transit facilities,
421 electric battery-operated wheel chairs when operated by physically
422 handicapped persons at speeds not exceeding fifteen miles per hour,
423 golf carts operated on highways solely for the purpose of crossing
424 from one part of the golf course to another, golf-cart-type vehicles
425 operated on roads or highways on the grounds of state institutions by
426 state employees, agricultural tractors, farm implements, such vehicles
427 as run only on rails or tracks, self-propelled snow plows, snow blowers
428 and lawn mowers, when used for the purposes for which they were
429 designed and operated at speeds not exceeding four miles per hour,
430 whether or not the operator rides on or walks behind such equipment,
431 bicycles with helper motors as defined in section 14-286, special mobile
432 equipment as defined in [subsection (i) of] section 14-165, mini-
433 motorcycles, as defined in section 14-289j, and any other vehicle not
434 suitable for operation on a highway.

435 Sec. 16. Subsection (a) of section 14-25b of the general statutes is
436 repealed and the following is substituted in lieu thereof (*Effective from*
437 *passage*):

438 (a) The commissioner may register any vehicle operated upon any

439 public highway as special mobile equipment as defined in [subsection
440 (i) of] section 14-165 and may issue a special number plate which shall
441 be displayed in a conspicuous place at the rear of such vehicle. The
442 commissioner may issue a registration containing any limitation on the
443 operation of any such vehicle which [he] the commissioner deems
444 necessary for its safe operation, provided such vehicle's movement on
445 a highway shall be restricted from its place of storage to the
446 construction site or from one construction site to another. No such
447 vehicle shall be operated upon or across any highway during the times
448 when lights are required as specified in section 14-96a unless it
449 displays the lighted lamps required by sections 14-96b and 14-96c.
450 Such vehicle shall not be used for the transportation of passengers or a
451 payload when operating upon a highway, except that while operating
452 on a highway construction project or on a construction project of any
453 kind which requires the crossing of a highway, [it] such vehicle may
454 carry passengers or a payload to the extent required by the project. A
455 vehicle registered as special mobile equipment shall be exempt from
456 the equipment requirements specified in sections 14-80 to 14-106,
457 inclusive. The commissioner may require that a vehicle for which an
458 application for special mobile equipment registration is submitted pass
459 an inspection prior to the issuance of such registration and at such
460 times as [he] the commissioner deems necessary for the safe operation
461 of such equipment. The commissioner shall charge an annual fee for
462 such registration equal to one-half of the commercial registration fee
463 for a vehicle having the same gross weight.

464 Sec. 17. Section 14-379 of the general statutes is repealed and the
465 following is substituted in lieu thereof (*Effective from passage*):

466 As used in sections 14-379 to 14-390, inclusive, [subsections]
467 subdivisions (3) and (4) of section 12-430 and sections 12-431, 14-33, 14-
468 163 and 53-205, unless the context otherwise requires: (1)
469 "Commissioner" means the Commissioner of Motor Vehicles; (2)
470 "snowmobile" means any self-propelled vehicle designed for travel on
471 snow or ice, except vehicles propelled by sail; (3) "snowmobile dealer"
472 means a person engaged in the business of manufacturing and selling

473 new snowmobiles or selling new or used snowmobiles, or both, having
474 an established place of business for the sale, trade and display of such
475 snowmobiles; ["All-terrain vehicle"] (4) "all-terrain vehicle" means a
476 self-propelled vehicle designed to travel over unimproved terrain [and
477 which] that has been determined by the Commissioner of Motor
478 Vehicles to be unsuitable for operation on the public highways [which]
479 and is not eligible for registration under chapter 246; (5) "all-terrain
480 vehicle dealer" means any person engaged in the business of
481 manufacturing and selling new all-terrain vehicles, or both, having an
482 established place of business for the manufacture, sale, trade and
483 display of such all-terrain vehicles; and (6) "operate" means to control
484 the course of or otherwise use a snowmobile or all-terrain vehicle.

485 Sec. 18. Subsection (b) of section 16a-4c of the general statutes is
486 repealed and the following is substituted in lieu thereof (*Effective from*
487 *passage*):

488 (b) (1) The secretary shall, not later than January 1, 2012, notify the
489 chief executive officer of each municipality located in a planning
490 region in which the boundaries are proposed for redesignation. If the
491 legislative body of the municipality objects to such proposed
492 redesignation, the chief executive officer of the municipality may, not
493 later than thirty days after the date of receipt of the notice of
494 redesignation, petition the secretary to attend a meeting of such
495 legislative body. The petition shall specify the location, date and time
496 of the meeting. The meeting shall be held not later than forty-five days
497 after the date of the petition. The secretary shall make a reasonable
498 attempt to appear at the meeting, or at a meeting on another date
499 within the forty-five-day period. If the secretary is unable to attend a
500 meeting within the forty-five-day period, the secretary and the chief
501 executive officer of the municipality shall jointly schedule a date and
502 time for the meeting, provided such meeting shall be held not later
503 than one hundred twenty days after the date of the notice to the chief
504 executive officer. At such meeting, the legislative body of the
505 municipality shall inform the secretary of the objections to the
506 proposed redesignation of the planning area boundaries. The secretary

507 shall consider fully the oral and written objections of the legislative
508 body and may redesignate the boundaries. Not later than forty-five
509 days after the date of the meeting, the secretary shall notify the chief
510 executive officer of the determination concerning the proposed
511 redesignation. The notice of determination shall include the reasons for
512 such determination. As used in this subsection, "municipality" means a
513 town, city or consolidated town and borough; "legislative body" means
514 the board of selectmen, town council, city council, board of alderman,
515 board of directors, board of representatives or board of the major and
516 burgesses of a municipality; and "secretary" means the secretary or the
517 designee of the secretary.

518 (2) Any revision to the boundaries of a planning area, based on the
519 analysis completed pursuant to subsection (a) of this section or due to
520 a modification by the secretary in accordance with this subsection,
521 shall be effective on the first day of July following the date of
522 completion such analysis or modification.

523 Sec. 19. Subdivision (10) of subsection (a) of section 16a-48 of the
524 general statutes is repealed and the following is substituted in lieu
525 thereof (*Effective from passage*):

526 (10) "Unit heater" means a self-contained, vented fan-type
527 commercial space heater that uses natural gas or propane and that is
528 designed to be installed without ducts within the heated space. "Unit
529 heater" does not include a product regulated by federal standards
530 pursuant to 42 USC 6291, as amended from time to time, a product that
531 is a direct vent, forced flue heater with a sealed combustion burner, or
532 any oil fired heating system.

533 Sec. 20. Subsection (c) of section 17b-93 of the general statutes is
534 repealed and the following is substituted in lieu thereof (*Effective from*
535 *passage*):

536 (c) No claim shall be made, or lien applied, against any payment
537 made pursuant to chapter 135, any payment made pursuant to section
538 47-88d or 47-287, any moneys received as a settlement or award in a

539 housing or employment or public accommodation discrimination case,
540 any court-ordered retroactive rent abatement, including any made
541 pursuant to subsection (e) of section 47a-14h [.] or section 47a-4a, 47a-5
542 [.] or 47a-57, or any security deposit refund pursuant to subsection (d)
543 of section 47a-21 paid to a beneficiary of assistance under the state
544 supplement program, medical assistance program, aid to families with
545 dependent children program, temporary family assistance program or
546 state-administered general assistance program or paid to any person
547 who has been supported wholly, or in part, by the state, in accordance
548 with section 17b-223, in a humane institution.

549 Sec. 21. Subsection (a) of section 17b-105h of the general statutes is
550 repealed and the following is substituted in lieu thereof (*Effective from*
551 *passage*):

552 (a) For the fiscal year ending June 30, 2009, the Department of Social
553 Services may use such funds from the federal matching funds received
554 by the state pursuant to section 17b-105f as are needed for operating
555 expenses and to employ one staff position for purposes directly related
556 to the administration of the matching funds provision for the food
557 stamp employment and training program, and for any fiscal year
558 thereafter may use such funds as [is] are necessary to operate and
559 administer said program.

560 Sec. 22. Section 17b-232 of the general statutes is repealed and the
561 following is substituted in lieu thereof (*Effective from passage*):

562 The state, through the agency of the state-operated facility, as
563 defined in [subsection (b) of] section 17a-458, authorizing the transfer
564 of a resident to a private boarding home for mental patients, group
565 home, chronic and convalescent hospital or other residential facility as
566 provided by section 17a-509, shall pay the cost of the board and care of
567 such mentally ill person, provided such cost shall not be in excess of
568 the rates established under section 17b-340 for such facilities.

569 Sec. 23. Subsection (a) of section 17b-341 of the general statutes is
570 repealed and the following is substituted in lieu thereof (*Effective from*

571 *passage*):

572 (a) (1) As used in this section, "self-pay patient" means a patient who
573 is not receiving state or municipal assistance to pay for the cost of care.

574 (2) The Commissioner of Social Services shall determine annually,
575 after a public hearing, the rates to be charged to self-pay patients in
576 any of the following licensed facilities if the facility does not have a
577 provider agreement with the state to provide services to recipients of
578 benefits obtained through Title XIX of the Social Security Amendments
579 of 1965, except a facility that did not have a provider agreement in
580 effect as of January 1, 1991, or had entered into a limited provider
581 agreement before January 1, 1991: Chronic and convalescent nursing
582 homes, chronic disease hospitals associated with chronic and
583 convalescent nursing homes and rest homes with nursing supervision.
584 Each such facility that does have such a provider agreement, each such
585 facility that did not have a provider agreement in effect as of January 1,
586 1991, or had entered into a limited provider agreement before January
587 1, 1991, and each residential care home shall determine its own self-
588 pay rates. Rates determined pursuant to this section shall be effective
589 July 1, 1991, and on July first of each year thereafter through June 30,
590 1993, and shall be determined for each facility individually, on the
591 basis of payment for the reasonable costs of providing all services. All
592 self-pay patients shall be given notice of a rate increase at least thirty
593 days prior to the effective date of such rate increase. In determining
594 rates to be charged to self-pay patients the commissioner shall: [(1)] (A)
595 Consider the quality of care provided by each facility, based on
596 information which the Department of Public Health shall provide to
597 the commissioner, and any testimony or information received from
598 other interested parties; and [(2)] (B) take into account the relevant cost
599 considerations set forth in section 17b-340 and in the regulations
600 adopted in accordance with subsection (a) of section 17b-238. Such
601 regulations shall include, but not be limited to, the establishment of a
602 formula for allowing profit or an operating surplus, and a fair rate of
603 return on invested capital or equity. Nothing in this section shall
604 authorize the commissioner to set a rate lower than the rate set under

605 section 17b-340 for comparable services. Each facility determining its
606 own self-pay rates shall report such rates to the commissioner upon
607 determination and upon any modification. The commissioner shall
608 document each rate so reported and each rate determined for a facility
609 by the commissioner pursuant to this section. Each facility shall charge
610 any self-pay patient who is insured under a long-term care insurance
611 policy which is precertified pursuant to section 38a-475 a rate which is
612 at least five per cent less than the rate charged other self-pay patients.
613 On and after April 1, 2008, each facility shall charge self-pay patients a
614 per diem rate and not a monthly rate.

615 Sec. 24. Subsection (b) of section 17b-522 of the general statutes is
616 repealed and the following is substituted in lieu thereof (*Effective from*
617 *passage*):

618 (b) Before the execution of a contract to provide continuing care, or
619 before the transfer of any money or other property to a provider by or
620 on behalf of a prospective resident, whichever shall occur first, the
621 provider shall deliver to the person with whom the contract is to be
622 entered into, or to that person's legal representative, a disclosure
623 statement. The text of the disclosure statement shall contain, to the
624 extent not clearly and completely set forth in the contract for
625 continuing care attached as an exhibit thereto, at least the following
626 information:

627 (1) The name and business address of the provider and a statement
628 of whether the provider is a partnership, corporation or other legal
629 entity;

630 (2) The names of the officers, directors, trustees, or managing and
631 general partners of the provider, the names of persons having a five
632 per cent or greater ownership interest in the provider, and a
633 description of each such person's occupation with the provider;

634 (3) A description of the business experience of the provider, and of
635 the manager of the facility if the facility will be managed on a day-to-
636 day basis by an organization other than the provider, in the

637 administration of continuing-care contracts [as defined in section 17b-
638 520] or in the administration of similar contractual arrangements;

639 (4) A description of any matter in which the provider, any of the
640 persons described in subdivision (2) of this subsection, or the manager
641 has been convicted of a felony or pleaded nolo contendere to a felony
642 charge, or held liable or enjoined in a civil action by final judgment, if
643 the felony or civil action involved fraud, embezzlement, fraudulent
644 conversion or misappropriation of property; or is subject to a currently
645 effective injunction or restrictive or remedial order of a court of record,
646 within the past five years has had any state or federal license or permit
647 suspended or revoked as a result of an action brought by a
648 governmental agency or department, rising out of or relating to
649 business activity or health care, including, but not limited to, actions
650 affecting the operation of a foster care facility, nursing home,
651 retirement home, residential care home, or any facility subject to
652 sections 17b-520 to 17b-535, inclusive, or a similar statute in another
653 state or country;

654 (5) A statement as to whether or not the provider is, or is affiliated
655 with, a religious, charitable, nonprofit, or for-profit organization; the
656 extent of the affiliation, if any; the extent to which the affiliate
657 organization will be responsible for the financial and contractual
658 obligations of the provider; and the provision of the federal Internal
659 Revenue Code, if any, under which the provider or affiliate is exempt
660 from the payment of income tax;

661 (6) The location and a description of the physical property or
662 properties of the provider, existing or proposed; and, if proposed, the
663 estimated completion date or dates, whether or not construction has
664 begun, and the contingencies subject to which construction may be
665 deferred;

666 (7) The goods and services provided or proposed to be provided
667 without additional charge under the contract for continuing care
668 including the extent to which medical or nursing care or other health-
669 related benefits are furnished;

670 (8) The disposition of interest earned on entrance fees or other
671 deposits held in escrow;

672 (9) A description of the conditions under which the continuing-care
673 contract may be terminated, whether before or after occupancy, by the
674 provider or by the resident. In the case of termination by the provider,
675 a description of the manner and procedures by which a decision to
676 terminate is reached by the provider, including grounds for
677 termination, the participation of a resident's council or other group, if
678 any, in reaching such a decision, and any grievance, appeal or other
679 similar procedures available to a resident whose contract has been
680 terminated by the provider;

681 (10) A statement setting forth the rights of a surviving spouse who
682 is a resident of the facility and the effect of the continuing-care contract
683 on the rights of a surviving spouse who is not a resident of the facility,
684 in the event of the death of a resident, subject to any limitations
685 imposed upon such rights by statute or common law principles;

686 (11) A statement of the effect of a resident's marriage or remarriage
687 while in the facility on the terms of his or her continuing-care contract;

688 (12) Subject to the provisions of subsection (g) of this section, a
689 statement of the provider's policy regarding disposition of a resident's
690 personal property in the event of death, temporary or permanent
691 transfer to a nursing facility, or termination of the contract by the
692 provider;

693 (13) A statement that payment of an entrance fee or other transfer of
694 assets pursuant to a continuing-care contract may have significant tax
695 consequences and that any person considering such a payment or
696 transfer may wish to consult a qualified advisor;

697 (14) The provisions that have been made or will be made by the
698 provider for reserve funding and any other security to enable the
699 provider to perform fully its obligations under continuing-care
700 contracts, including, but not limited to, escrow accounts established in

701 compliance with sections 17b-524 and 17b-525, trusts [,] or reserve
702 funds, together with the manner in which such funds will be invested
703 and the names and experience of the persons making or who will make
704 investment decisions. Disclosure shall include a summary of the
705 information contained in the five-year financial information filed with
706 the commissioner pursuant to section 17b-527; [said] such summary
707 shall set forth by year any anticipated excess of future liabilities over
708 future revenues and shall describe the manner in which the provider
709 plans to meet such liabilities;

710 (15) Audited and certified financial statements of the provider,
711 including (A) a balance sheet as of the end of the most recent fiscal
712 year, and (B) income statements for the three most recent fiscal years of
713 the provider or such shorter period of time as the provider shall have
714 been in existence;

715 (16) Subject to the provisions of subsection (g) of this section, if the
716 operation of the facility has not yet commenced, or if the construction
717 of the facility is to be completed in stages, a statement of the
718 anticipated source and application of the funds used or to be used in
719 the purchase or construction of the facility or each stage of the facility,
720 including:

721 (A) An estimate of such costs as financing expense, legal expense,
722 land costs, marketing costs, and other similar costs which the provider
723 expects to incur or become obligated for prior to the commencement of
724 operations of each stage of the facility;

725 (B) A description of any mortgage loan or any other financing
726 intended to be used for the financing of the facility or each stage of the
727 facility, including the anticipated terms and costs of such financing;

728 (C) An estimate of the total entrance fees to be received from or on
729 behalf of residents at or prior to commencement of operation of each
730 stage of the facility; and

731 (D) An estimate of the funds, if any, which are anticipated to be

732 necessary to fund start-up losses and provide reserve funds to assure
733 full performance of the obligations of the provider under continuing-
734 care contracts;

735 (17) Pro forma annual income statements for the facility for the next
736 five fiscal years;

737 (18) A description of all entrance fees and periodic charges, if any,
738 required of residents and a record of past increases in such fees and
739 charges during the previous seven years;

740 (19) For each facility operated by the provider, the total actuarial
741 present value of prepaid healthcare obligations assumed by the
742 provider under continuing-care contracts as calculated on an
743 actuarially sound basis using reasonable assumptions for mortality
744 and morbidity;

745 (20) A statement that all materials required to be filed with the
746 department are on file, a brief description of such materials, and the
747 address of the department at which such materials may be reviewed;

748 (21) The cover page of the disclosure statement shall state, in a
749 prominent location and type face, the date of the disclosure statement
750 and that registration does not constitute approval, recommendation, or
751 endorsement by the department or state, nor does such registration
752 evidence the accuracy or completeness of the information set out in the
753 disclosure statement;

754 (22) If the construction of the facility is to be completed in stages, a
755 statement as to whether all services will be provided at the completion
756 of each stage and, if not, the services that will not be provided listed in
757 bold print.

758 Sec. 25. Section 19a-44 of the general statutes is repealed and the
759 following is substituted in lieu thereof (*Effective from passage*):

760 To protect the integrity of vital records and to prevent the
761 fraudulent use of birth certificates of deceased persons, the

762 Commissioner of Public Health and the local registrars of vital
763 [records] statistics are hereby authorized to match birth and death
764 certificates and to post the facts of death to the appropriate birth
765 certificate. Copies issued from birth certificates marked deceased shall
766 be similarly marked.

767 Sec. 26. Section 19a-509f of the general statutes is repealed and the
768 following is substituted in lieu thereof (*Effective from passage*):

769 (a) No telephone company, telecommunications company, certified
770 telecommunications provider, community antenna television
771 company, certified competitive video service provider or holder of a
772 certificate of cable franchise authority, all as defined in section 16-1,
773 shall charge an installation fee to a resident of a residential care home,
774 nursing home or rest home, as defined in section 19a-490, when such
775 resident moves from one room in [said] such home to another. Any
776 violation of this subsection shall not constitute an unfair or deceptive
777 trade practice under section 42-110b.

778 (b) No owner or operator of a residential care home, nursing home
779 or rest home, as defined in section 19a-490, shall charge any resident of
780 such home a fee for the installation of telecommunication or
781 community antenna television service, as defined in section 12-407,
782 when such resident moves from one room in [said] such home to
783 another.

784 Sec. 27. Section 19a-659 of the general statutes is repealed and the
785 following is substituted in lieu thereof (*Effective from passage*):

786 As used in this section [,] and sections 19a-662, 19a-669 to 19a-670a,
787 inclusive, 19a-671, 19a-671a, 19a-672 and 19a-676:

788 (1) "Office" means the Office of Health Care Access;

789 (2) "Hospital" means any hospital licensed as a short-term acute care
790 general or children's hospital by the Department of Public Health,
791 including John Dempsey Hospital of The University of Connecticut
792 Health Center;

793 (3) "Fiscal year" means the hospital fiscal year consisting of a twelve-
794 month period commencing on October first and ending the following
795 September thirtieth;

796 (4) "Base year" means the fiscal year consisting of a twelve-month
797 period immediately prior to the start of the fiscal year for which a
798 budget is being determined or prepared;

799 (5) "Affiliate" means a person, entity or organization controlling,
800 controlled by, or under common control with another person, entity or
801 organization;

802 (6) "Uncompensated care" means the total amount of charity care
803 and bad debts determined by using the hospital's published charges
804 and consistent with the hospital's policies regarding charity care and
805 bad debts which have been approved by, and are on file at, the office;

806 (7) "Medical assistance" means (A) the programs for medical
807 assistance provided under the state-administered general assistance
808 program or the Medicaid program, including the HUSKY Plan, Part A,
809 or (B) any other state-funded medical assistance program, including
810 the HUSKY Plan, Part B;

811 (8) "CHAMPUS" or "TriCare" means the federal Civilian Health and
812 Medical Program of the Uniformed Services, as defined in 10 USC
813 Section 1072(4), as from time to time amended;

814 (9) "Primary payer" means the payer responsible for the highest
815 percentage of the charges for a patient's inpatient or outpatient
816 hospital services;

817 (10) "Case mix index" means the arithmetic mean of the Medicare
818 diagnosis related group case weights assigned to each inpatient
819 discharge for a specific hospital during a given fiscal year. The case
820 mix index shall be calculated by dividing the hospital's total case mix
821 adjusted discharges by the hospital's actual number of discharges for
822 the fiscal year. The total case mix adjusted discharges shall be
823 calculated by (A) multiplying the number of discharges in each

824 diagnosis-related group by the Medicare weights in effect for that
825 same diagnosis-related group and fiscal year, and (B) then totaling the
826 resulting products for all diagnosis-related groups;

827 (11) "Contractual allowances" means the difference between hospital
828 published charges and payments generated by negotiated agreements
829 for a different or discounted rate or method of payment;

830 (12) "Medical assistance underpayment" means the amount
831 calculated by dividing the total net revenue by the total gross revenue,
832 and then multiplying the quotient by the total medical assistance
833 charges, and then subtracting medical assistance payments from the
834 product;

835 (13) "Other allowances" means the amount of any difference
836 between charges for employee self-insurance and related expenses
837 determined using the hospital's overall relationship of costs to charges;

838 (14) "Gross revenue" means the total gross patient charges for all
839 patient services provided by a hospital;

840 (15) "Net revenue" means total gross revenue less contractual
841 allowance, less the difference between government charges and
842 government payments, less uncompensated care and other allowances,
843 plus uncompensated care program disproportionate share hospital
844 payments from the Department of Social Services;

845 (16) "Emergency assistance to families" means assistance to families
846 with children under the age of twenty-one who do not have the
847 resources to independently provide the assistance needed to avoid the
848 destitution of the child.

849 Sec. 28. Subsection (a) of section 20-230d of the general statutes is
850 repealed and the following is substituted in lieu thereof (*Effective from*
851 *passage*):

852 (a) If the cremated remains are not accepted by a person in
853 accordance with the requested disposition of the cremated remains on

854 the form required by section 20-230c or by the person designated to
855 take custody and control of the cremated remains, the funeral director
856 may dispose of such cremated remains by: (1) Burial in a cemetery, (2)
857 storage in a crypt of a mausoleum or columbarium, (3) scattering, (4)
858 burial in a memorial garden, (5) storage at the funeral home, or (6)
859 such other method identified in the signed form required by section
860 20-230c, provided the funeral director has complied with the notice
861 requirements of subsection (b) of this section. Upon such disposal of
862 the cremated remains, the funeral director shall notify, in writing, the
863 registrar of vital [records] statistics of the town where the death
864 occurred, of the manner in which the cremated remains were disposed.
865 Such written notice shall be attached to the cremation permit.

866 Sec. 29. Section 20-377p of the general statutes is repealed and the
867 following is substituted in lieu thereof (*Effective from passage*):

868 A certificate of registration as an interior designer shall be evidence
869 that the person named in the certificate is entitled to the rights and
870 privileges of a registered interior designer while such certificate
871 remains in effect. The commissioner shall keep a roster of the names
872 and addresses of all registered interior designers, all architects licensed
873 in accordance with the provisions of chapter 390 and of such other
874 information as the commissioner may by regulation require. Annually,
875 during the month of September, the commissioner shall place such
876 roster on file with the Secretary of the State and with the building
877 department and library of each town. The commissioner shall maintain
878 an index and record of each certificate of registration. A certificate shall
879 remain in effect until revoked or suspended as provided in section 20-
880 377s.

881 Sec. 30. Subdivision (2) of subsection (b) of section 21-80 of the
882 general statutes is repealed and the following is substituted in lieu
883 thereof (*Effective from passage*):

884 (2) An owner may not maintain a summary process action under
885 subparagraph (B), (C) or (D) of subdivision (1) of this subsection,
886 except a summary process action based upon conduct which

887 constitutes a serious nuisance or a violation of subdivision (9) of
888 subsection (b) of section 21-82, prior to delivering a written notice to
889 the resident specifying the acts or omissions constituting the breach
890 and that the rental agreement shall terminate upon a date not less than
891 thirty days after receipt of the notice. If such breach can be remedied
892 by repair by the resident or payment of damages by the resident to the
893 owner and such breach is not so remedied within twenty-one days, the
894 rental agreement shall terminate, except that [(i)] (A) if the breach is
895 remediable by repairs or the payment of damages and the resident
896 adequately remedies the breach within said twenty-one-day period,
897 the rental agreement shall not terminate, or [(ii)] (B) if substantially the
898 same act or omission for which notice was given recurs within six
899 months, the owner may terminate the rental agreement in accordance
900 with the provisions of sections 47a-23 to 47a-23b, inclusive. For the
901 purposes of this subdivision, "serious nuisance" means [(A)] (i)
902 inflicting bodily harm upon another resident or the owner or
903 threatening to inflict such harm with the present ability to effect the
904 harm and under circumstances which would lead a reasonable person
905 to believe that such threat will be carried out, [(B)] (ii) substantial and
906 wilful destruction of part of the premises, [(C)] (iii) conduct which
907 presents an immediate and serious danger to the safety of other
908 residents or the owner, or [(D)] (iv) using the premises for prostitution
909 or the illegal sale of drugs. If the owner elects to evict based upon an
910 allegation, pursuant to subdivision (8) of subsection (b) of section 21-
911 82, that the resident failed to require other persons on the premises
912 with the resident's consent to conduct themselves in a manner that will
913 not constitute a serious nuisance, and the resident claims to have had
914 no knowledge of such conduct, then, if the owner establishes that the
915 premises have been used for the illegal sale of drugs, the burden shall
916 be on the resident to show that the resident had no knowledge of the
917 creation of the serious nuisance.

918 Sec. 31. Subdivision (55) of section 21a-240 of the general statutes is
919 repealed and the following is substituted in lieu thereof (*Effective from*
920 *passage*):

921 (55) "Wholesaler" means a distributor or a person who supplies
922 controlled substances that he himself has not produced or prepared to
923 registrants as defined in [subsection] subdivision (47) of this section.

924 Sec. 32. Subsection (b) of section 22-277a of the general statutes is
925 repealed and the following is substituted in lieu thereof (*Effective from*
926 *passage*):

927 (b) Notwithstanding the provisions of subsection (a) of this section
928 and subject to such terms and conditions as the commissioner may
929 prescribe by regulations adopted in accordance with chapter 54, the
930 parties to the purchase and sale of livestock may expressly agree in
931 writing, before such purchase or sale, to effect payment in a manner
932 other than that required in subsection (a) of this section. Any such
933 agreement shall be disclosed in the records of any such dealer, broker,
934 person, firm or corporation selling the livestock, and in the purchaser's
935 records and on the accounts or other documents issued by the
936 purchaser relating to the transaction.

937 Sec. 33. Subsection (a) of section 22a-66g of the general statutes is
938 repealed and the following is substituted in lieu thereof (*Effective from*
939 *passage*):

940 (a) A pesticide application business shall maintain records for not
941 less than five years from the date such record is made or amended,
942 whichever is later. The record shall indicate:

943 (1) For each application of a pesticide made on behalf of the
944 business, (A) the name and certification number of the commercial
945 supervisor and the commercial operator, (B) the kind and amount of
946 pesticide used and the amount of acreage treated, if applicable, (C) the
947 date and place of application, (D) the pest treated for, and (E) the crop
948 or site treated;

949 (2) A list of the names and corresponding Environmental Protection
950 Agency registration numbers of any pesticide applied by the business;
951 [,] and

952 (3) The names and applicator certification numbers of all certified
953 commercial pesticide applicators, operator or supervisory, who are
954 employees or agents of the business, and a list of the types of
955 applications which each is performing.

956 Sec. 34. Section 22a-373 of the general statutes is repealed and the
957 following is substituted in lieu thereof (*Effective from passage*):

958 (a) The commissioner shall, within one hundred [and] twenty days
959 of the close of the hearing, make a decision either granting or denying
960 the application as deemed complete in section 22a-371, or granting [it]
961 the application upon such terms, limitations or conditions, including,
962 but not limited to, provisions for monitoring, schedule of diversion,
963 duration of permit and reporting as [he] the commissioner deems
964 necessary to fulfill the purposes of sections 22a-365 to 22a-378,
965 inclusive. The commissioner shall state in full the reasons for [his] the
966 commissioner's decision.

967 (b) In making [his] the commissioner's decision, the commissioner
968 shall consider all relevant facts and circumstances including, but not
969 limited to:

970 (1) The effect of the proposed diversion on related needs for public
971 water supply including existing and projected uses, safe yield of
972 reservoir systems and reservoir and groundwater development;

973 (2) The effect of the proposed diversion on existing and planned
974 water uses in the area affected such as public water supplies, relative
975 density of private wells, hydropower, flood management, water-based
976 recreation, wetland habitats, waste assimilation and agriculture;

977 (3) Compatibility of the proposed diversion with the policies and
978 programs of the state of Connecticut, as adopted or amended, dealing
979 with long-range planning, management, allocation and use of the
980 water resources of the state;

981 (4) The relationship of the proposed diversion to economic
982 development and the creation of jobs;

983 (5) The effect of the proposed diversion on the existing water
984 conditions, with due regard to watershed characterization,
985 groundwater availability potential, evapotranspiration conditions and
986 water quality;

987 (6) The effect, including thermal effect, on fish and wildlife as a
988 result of flow reduction, alteration or augmentation caused by the
989 proposed diversion;

990 (7) The effect of the proposed diversion on navigation;

991 (8) Whether the water to be diverted is necessary and to the extent
992 that it is, whether such water can be derived from other alternatives
993 including, but not limited to, conservation;

994 (9) Consistency of the proposed diversion with action taken by the
995 Attorney General, pursuant to sections 3-126 and 3-127; and

996 (10) The interests of all municipalities which would be affected by
997 the proposed diversion.

998 (c) In making a decision on an application, the commissioner shall
999 consider (1) capital expenditures and other resource commitments
1000 made prior to July 1, 1982, in connection with a proposed diversion,
1001 but such expenditures or commitments shall not be binding in favor of
1002 such proposed diversion, and (2) proposed diversions recommended
1003 in any water supply plan developed pursuant to section 25-32d or
1004 coordinated water system plan prepared pursuant to section 25-33h in
1005 the same manner as proposed diversions not recommended in any
1006 such plan.

1007 (d) If a decision is not made in the time required pursuant to
1008 subsection (a) of this section, the application shall be deemed granted.

1009 Sec. 35. Subsection (d) of section 25-204 of the general statutes is
1010 repealed and the following is substituted in lieu thereof (*Effective from*
1011 *passage*):

1012 (d) Upon completion of an inventory, statement of objectives and
1013 map pursuant to subsections (a), (b) and (c) of this section, the river
1014 committee shall publish in a newspaper having substantial circulation
1015 in the affected area at least thirty days' notice of a public hearing to be
1016 held in one of the municipalities represented on the committee. Such
1017 hearing shall provide an opportunity for public comment regarding
1018 such documents and the committee shall also provide for the
1019 submission of written comments to such committee regarding such
1020 documents. After considering all comments received, the river
1021 committee shall revise [said] such documents as appropriate and
1022 submit them to the commissioner and the secretary. Within ninety
1023 days of receiving the revised documents, the commissioner shall
1024 provide written comments to the river committee and shall furnish a
1025 copy of such comments to the secretary. The secretary shall coordinate
1026 a review of the revised documents by all other relevant state agencies
1027 and regional planning organizations, as defined in section 4-124i, and,
1028 within ninety days of receiving such revised documents, shall provide
1029 written comments thereon to the river committee and shall furnish a
1030 copy of such comments to the commissioner. After considering all
1031 comments received from the commissioner and the secretary, the river
1032 committee shall adopt an inventory, statement of objectives and map
1033 and shall publish, in a newspaper having substantial circulation in the
1034 affected area, notice of the adoption of the inventory, statement of
1035 objectives and map.

1036 Sec. 36. Subsections (d) to (f), inclusive, of section 25-234 of the
1037 general statutes are repealed and the following is substituted in lieu
1038 thereof (*Effective from passage*):

1039 (d) Upon completion of an inventory, statement of objectives and
1040 map pursuant to subsections (a), (b) and (c) of this section, the river
1041 commission shall publish in a newspaper having a substantial
1042 circulation in the affected area notice of a public hearing to be held not
1043 less than thirty days thereafter in one of the municipalities represented
1044 on the commission. Such hearing shall provide an opportunity for oral
1045 and written comments regarding such documents. After considering

1046 all comments received, the river commission shall revise [said] such
1047 documents as appropriate and submit them to the commissioner and
1048 the secretary. Within sixty days of receiving the revised documents,
1049 the commissioner shall provide written comments to the river
1050 commission and shall furnish a copy of such comments to the
1051 secretary. The secretary shall coordinate a review of the revised
1052 documents by all other relevant state agencies and regional planning
1053 organizations, as defined in section 4-124i, and, within ninety days of
1054 receiving such revised documents, shall provide written comments
1055 thereon to the river commission and shall furnish a copy of such
1056 comments to the commissioner. After considering all comments
1057 received from the commissioner and the secretary, the river
1058 commission shall adopt a final inventory, statement of objectives and
1059 map and shall publish, in a newspaper having a substantial circulation
1060 in the affected area, notice of the adoption of the final inventory,
1061 statement of objectives and map.

1062 (e) After adoption of an inventory, statement of objectives and map,
1063 pursuant to subsection (d) of this section, the river commission shall
1064 prepare a report on all federal, state, regional and municipal laws,
1065 plans, programs and proposed activities [which] that may affect the
1066 river corridor defined in such map. Such federal, state, regional and
1067 municipal laws shall include regulations adopted pursuant to chapter
1068 440, and zoning, subdivision and site plan regulations adopted
1069 pursuant to section 8-3. Such federal, state, regional and municipal
1070 plans shall include plans of development adopted pursuant to section
1071 8-23, the state plan for conservation and development, water utility
1072 supply plans submitted pursuant to section 25-32d, coordinated water
1073 system plans submitted pursuant to section 25-33h, the master
1074 transportation plan adopted pursuant to section 13b-15, plans
1075 prepared by regional planning organizations, as defined in section 4-
1076 124i, and plans of publicly owned wastewater treatment facilities
1077 whose discharges may affect the subject river corridor. State and
1078 regional agencies shall, within available resources, assist the river
1079 commission in identifying such laws, plans, programs and proposed
1080 activities. The report to be prepared pursuant to this section shall

1081 identify any conflicts between such federal, state, regional and
1082 municipal laws, plans, programs and proposed activities and the river
1083 commission's objectives for river corridor management as reflected in
1084 the statement of objectives. If conflicts are identified, the river
1085 commission shall notify the applicable state, regional or municipal
1086 agencies and such agencies shall, within available resources and in
1087 consultation with the river commission, attempt to resolve such
1088 conflicts.

1089 (f) (1) After adoption of an inventory, statement of objectives and
1090 map pursuant to subsection (d) of this section and completion of a
1091 report pursuant to subsection (e) of this section, the river commission
1092 shall prepare a river corridor management plan. The river commission
1093 shall publish in a newspaper having a substantial circulation in the
1094 affected area notice of a public hearing to be held not less than thirty
1095 days thereafter in one of the municipalities represented on the
1096 commission. Such hearing shall provide an opportunity for oral and
1097 written comment regarding the plan. The commission shall send a
1098 copy of such notice to the chief elected official of each municipality
1099 located wholly or partially in the subregional drainage basin in which
1100 the subject river corridor is located and shall send such notice by
1101 certified mail, return receipt requested, to each person who owns
1102 property adjacent to the river segment which is the subject of the river
1103 corridor. After considering all comments received, the river
1104 commission shall revise [said] such documents as appropriate and
1105 submit them to the commissioner and the secretary. [Within] Not later
1106 than sixty days [of] after receiving the revised documents, the
1107 commissioner shall provide written comments to the river commission
1108 and shall furnish a copy of such comments to the secretary. The
1109 secretary shall coordinate a review of the revised documents by all
1110 relevant state agencies and regional planning organizations, as defined
1111 in section 4-124i. Within ninety days of the date the secretary receives
1112 such revised documents, [he] the secretary shall provide written
1113 comments thereon to the river commission and to the commissioner.
1114 After considering all comments received from the commissioner and
1115 the secretary, the river commission shall prepare a document

1116 responding to all comments received, shall revise the river corridor
1117 management plan as appropriate and shall publish in a newspaper
1118 having a substantial circulation in the affected area notice of the
1119 availability of the response to comments and the revised plan.

1120 (2) A river corridor management plan shall set forth a strategy for
1121 achieving the objectives contained in the statement of objectives
1122 adopted pursuant to subsection (d) of this section for the river corridor
1123 mapped pursuant to said subsection and for resolving any conflicts
1124 identified in the report prepared pursuant to subsection (e) of this
1125 section. Such plan shall make recommendations for the modification of
1126 municipal plans of development and zoning, subdivision, site plan and
1127 wetlands regulations as necessary to allow implementation of such
1128 plan and to assure that each member municipality similarly manages
1129 that portion of the river corridor under its jurisdiction. Such
1130 recommendations may concern tourism, navigation, utility and
1131 transportation rights-of-way and water-dependent recreational,
1132 industrial, commercial and other uses, as well as proposals for specific
1133 setbacks from the river, dimensions of new lots and buildings,
1134 restrictions on cutting of vegetation, restrictions on earth-moving for
1135 mining or other purposes, prohibited activities and regulation of
1136 paving and other forms of impervious ground cover. Such plan may
1137 also include recommendations that member municipalities enact or
1138 adopt incentives for property owners to protect lands within the river
1139 corridor and to develop such lands in a manner that is compatible with
1140 resource protection. Such incentives may include tax credits for
1141 donation to appropriate parties of open space easements or land
1142 development rights and incentives for cluster development.

1143 (3) The river corridor management plan shall include the results of
1144 an instream flow study if the commissioner deems it necessary. An
1145 instream flow study shall be conducted in accordance with the
1146 commissioner's guidance and shall document water flow in the river
1147 corridor for the purpose of determining whether there is sufficient
1148 flow to allow withdrawals of water consistent with the resource
1149 protection and enhancement objectives of the river corridor

1150 management plan.

1151 Sec. 37. Subsection (a) of section 27-102a of the general statutes is
1152 repealed and the following is substituted in lieu thereof (*Effective from*
1153 *passage*):

1154 (a) Notwithstanding any provisions of the general statutes with
1155 respect to annual or biennial license or registration fees or occupational
1156 taxes, any resident of Connecticut on active duty with the armed forces
1157 of the United States [.] shall be exempt from the payment of such fees
1158 or taxes during his period of active service and for one year following
1159 the date of his honorable discharge or the date of his release under
1160 honorable conditions, from such service.

1161 Sec. 38. Subsection (a) of section 27-108 of the general statutes is
1162 repealed and the following is substituted in lieu thereof (*Effective from*
1163 *passage*):

1164 (a) Any veteran, as defined in subsection (a) of section 27-103, [and]
1165 who meets active military, naval or air service requirements, as
1166 defined by 38 USC 101, may apply for admission to the home; and any
1167 such veteran who, from disease, wounds or accident, needs medical or
1168 surgical care and treatment or who has become mentally ill and who
1169 has no adequate means of support, may be admitted to any hospital
1170 and receive necessary food, clothing, care and treatment therein, at the
1171 expense of the state, unless other funds or means of payment are
1172 available.

1173 Sec. 39. Subdivision (10) of section 36a-485 of the general statutes is
1174 repealed and the following is substituted in lieu thereof (*Effective from*
1175 *passage*):

1176 (10) "Mortgage loan originator" means an individual who is
1177 employed or retained by, or otherwise acts on behalf of, a mortgage
1178 lender, mortgage correspondent lender or mortgage broker licensee
1179 who, for, or with the expectation of, a fee, commission or other
1180 valuable consideration, takes an application for or negotiates, solicits,

1181 arranges or finds a mortgage loan. "Mortgage loan originator" does not
1182 include [(1)] (A) an officer, if the licensee is a corporation; a general
1183 partner, if the licensee is a partnership; a member, if the licensee is a
1184 limited liability company; or a sole proprietor, if the licensee is a sole
1185 proprietorship, or [(2)] (B) an individual whose responsibilities are
1186 limited to clerical and administrative tasks and who does not solicit
1187 borrowers, arrange or find mortgage loans, take applications or
1188 negotiate the terms of loans.

1189 Sec. 40. Subsection (e) of section 36a-490 of the general statutes is
1190 repealed and the following is substituted in lieu thereof (*Effective from*
1191 *passage*):

1192 (e) Each mortgage lender, mortgage correspondent lender,
1193 mortgage broker and mortgage loan originator license shall remain in
1194 force and effect until it has been surrendered, revoked [,] or
1195 suspended, or until it expires [,] or is no longer effective, in accordance
1196 with the provisions of sections 36a-485 to 36a-498a, inclusive.

1197 Sec. 41. Subsection (a) of section 36a-492 of the general statutes is
1198 repealed and the following is substituted in lieu thereof (*Effective from*
1199 *passage*):

1200 (a) No mortgage lender, mortgage correspondent lender or
1201 mortgage broker license, and no renewal thereof, shall be granted
1202 unless the applicant has filed a bond with the commissioner written by
1203 a surety authorized to write such bonds in this state, in the sum of
1204 forty thousand dollars, the form of which shall be approved by the
1205 Attorney General, provided on and after August 1, 2009, the bond shall
1206 be in the sum of eighty thousand dollars. Such bond shall be
1207 conditioned upon such licensee faithfully performing any and all
1208 written agreements or commitments with or for the benefit of
1209 borrowers and prospective borrowers, truly and faithfully accounting
1210 for all funds received from a borrower or prospective borrower by the
1211 licensee in the licensee's capacity as a mortgage lender, mortgage
1212 correspondent lender or [a] mortgage broker, and conducting such
1213 mortgage business consistent with the provisions of sections 36a-485 to

1214 36a-498a, inclusive. Any borrower or prospective borrower who may
1215 be damaged by failure to perform any written agreements or
1216 commitments, or by the wrongful conversion of funds paid by a
1217 borrower or prospective borrower to a licensee, may proceed on such
1218 bond against the principal or surety thereon, or both, to recover
1219 damages. Commencing August 1, 2009, any borrower or prospective
1220 borrower who may be damaged by a licensee's failure to satisfy a
1221 judgment against the licensee arising from the making or brokering of
1222 a nonprime home loan, as defined in section 36a-760, may proceed on
1223 such bond against the principal or surety thereon, or both, to recover
1224 the amount of the judgment. The commissioner may proceed on such
1225 bond against the principal or surety thereon, or both, to collect any
1226 civil penalty imposed upon the licensee pursuant to subsection (a) of
1227 section 36a-50 and any unpaid costs of examination of the licensee as
1228 determined pursuant to section 36a-65. The proceeds of the bond, even
1229 if commingled with other assets of the licensee, shall be deemed by
1230 operation of law to be held in trust for the benefit of such claimants
1231 against the licensee in the event of bankruptcy of the licensee and shall
1232 be immune from attachment by creditors and judgment creditors. The
1233 bond shall run concurrently with the period of the license granted to
1234 the applicant, and the aggregate liability under the bond shall not
1235 exceed the penal sum of the bond.

1236 Sec. 42. Subsection (a) of section 36a-493 of the general statutes is
1237 repealed and the following is substituted in lieu thereof (*Effective from*
1238 *passage*):

1239 (a) Each mortgage lender, mortgage correspondent lender and
1240 mortgage broker licensee shall maintain adequate records of each loan
1241 transaction at the office named in the license, or, if requested by the
1242 commissioner, shall make such records available at such office or send
1243 such records to the commissioner by registered or certified mail, return
1244 receipt requested, or by any express delivery carrier that provides a
1245 dated delivery receipt, not later than five business days after requested
1246 by the commissioner to do so. Upon request, the commissioner may
1247 grant a licensee additional time to make such records available or send

1248 them to the commissioner. Such records shall provide the following
1249 information: (1) A copy of any disclosures required under part III of
1250 chapter 669; (2) whether the licensee acted as a mortgage lender, a
1251 mortgage correspondent lender, a mortgage broker, a mortgage lender
1252 and a mortgage broker, or a mortgage correspondent lender and a
1253 mortgage broker; (3) if the licensee is acting as a mortgage lender or
1254 mortgage correspondent lender, and retains the mortgage loan or
1255 receives payments thereon, an adequate loan history for those loans
1256 retained or upon which payments are received, itemizing the amount
1257 and date of each payment and the unpaid balance at all times; (4) the
1258 purpose for which the loan was made; (5) the original or an exact copy
1259 of the note, loan agreement or other evidence of indebtedness and
1260 mortgage deed; (6) a statement signed by the borrower acknowledging
1261 the receipt of such statement which discloses the full amount of any
1262 fee, commission or consideration paid to the mortgage lender,
1263 mortgage correspondent lender and mortgage broker for all services in
1264 connection with the origination and settlement of the mortgage loan;
1265 (7) the name and address of the mortgage lender, mortgage
1266 correspondent lender and [the] mortgage broker, if any, involved in
1267 the loan transaction; (8) a copy of the initial and a copy of the final
1268 mortgage loan application taken from the borrower; and (9) a copy of
1269 all information used in evaluating the application.

1270 Sec. 43. Section 36a-725 of the general statutes is repealed and the
1271 following is substituted in lieu thereof (*Effective from passage*):

1272 As used in this section and section 36a-726, unless the context
1273 otherwise requires:

1274 (1) "First mortgage loan" means any loan made to an individual, the
1275 proceeds of which are to be used primarily for personal, family or
1276 household purposes, which loan is secured by a mortgage upon any
1277 interest in one-to-four-family residential, owner-occupied real
1278 property located in this state which is not subject to any prior
1279 mortgages. The term includes the renewal or refinancing of an existing
1280 first mortgage loan;

1281 (2) "Mortgage insurance" means insurance written by an
1282 independent mortgage insurance company to protect the mortgage
1283 lender against loss incurred in the event of a default by a borrower
1284 under the mortgage loan;

1285 (3) "Mortgage lender" means any person engaged in the business of
1286 making first mortgage loans, including, but not limited to, banks, out-
1287 of-state banks, Connecticut credit unions, federal credit unions, out-of-
1288 state credit unions, and mortgage lenders and [correspondent]
1289 mortgage correspondent lenders required to be licensed under sections
1290 36a-485 to 36a-498a, inclusive.

1291 Sec. 44. Subdivisions (5) and (6) of subsection (a) of section 36a-760
1292 of the general statutes are repealed and the following is substituted in
1293 lieu thereof (*Effective from passage*):

1294 (5) "Lender" means any person engaged in the business of the
1295 making of mortgage loans who is required to be licensed by the
1296 Department of Banking under chapter 668, or [their] such person's
1297 successors or assigns, and shall also mean any bank, out-of-state bank,
1298 Connecticut credit union, federal credit union, out-of-state credit
1299 union, or an operating subsidiary of a federal bank or a federally
1300 chartered out-of-state bank where such subsidiary engages in the
1301 business of making mortgage loans, and their successors and assigns,
1302 but shall not include any mortgage broker, as defined in this section, or
1303 any mortgage loan originator, as defined in section 36a-485;

1304 (6) "Mortgage broker" means any person, other than a lender, who
1305 (A) for a fee, commission or other valuable consideration, negotiates,
1306 solicits, arranges, places or finds a mortgage, and (B) who is required
1307 to be licensed by the Department of Banking under chapter 668, or
1308 [their] such person's successors or assigns.

1309 Sec. 45. Section 36b-62 of the general statutes is repealed and the
1310 following is substituted in lieu thereof (*Effective from passage*):

1311 (a) Prior to the sale or offer for sale of a business opportunity the

1312 seller shall register said business opportunity with the commissioner
1313 by: (1) Filing a copy of the disclosure statement required by section
1314 36b-63; (2) furnishing a bond in accordance with the provisions of
1315 section 36b-64; (3) providing a sworn to and certified statement
1316 containing the information required by section 36b-65; (4) providing
1317 the commissioner in accordance with subsection (b) of this section with
1318 an irrevocable consent appointing the commissioner or the
1319 commissioner's successor in office to be such seller's attorney to receive
1320 service of any lawful process in any noncriminal suit, action or
1321 proceeding which arises under sections 36b-60 to 36b-80, inclusive, or
1322 any regulation or order adopted or issued under the provisions of said
1323 sections; and (5) submitting a nonrefundable registration fee of four
1324 hundred dollars.

1325 (b) Every seller proposing to sell or offer for sale a business
1326 opportunity in this state or from this state through any person acting
1327 on an agency basis as determined by reference to principles of
1328 common law shall file with the commissioner, in such form as the
1329 commissioner by regulation or order prescribes, an irrevocable consent
1330 appointing the commissioner or the commissioner's successor in office
1331 to be the seller's attorney to receive service of any lawful process in
1332 any noncriminal suit, action or proceeding against the seller or the
1333 seller's successor executor or administrator which arises under sections
1334 36b-60 to 36b-80, inclusive, or any regulation or order adopted or
1335 issued under said sections after the consent has been filed, with the
1336 same force and validity as if served personally on the person filing the
1337 consent. Service may be made by leaving a copy of the process in the
1338 office of the commissioner, but such service shall not be effective
1339 unless (1) the plaintiff, who may be the commissioner in a suit, action
1340 or proceeding instituted by him or her, forthwith sends notice of the
1341 service and a copy of the process by registered mail, return receipt
1342 requested, or by any express delivery carrier that provides a dated
1343 delivery receipt, to the defendant or respondent at the defendant's or
1344 respondent's last address on file with the commissioner, and (2) the
1345 plaintiff's affidavit of compliance with this subsection is filed in the
1346 case on or before the return day of the process, if any, or within such

1347 further time as the court allows.

1348 (c) When any person, including any nonresident of this state,
1349 engages in conduct prohibited or made actionable by sections 36b-60 to
1350 36b-80, inclusive, or any regulation or order adopted or issued under
1351 said sections, and such person has not filed a consent to service of
1352 process under subsection (b) of this section and personal jurisdiction
1353 over such person cannot otherwise be obtained in this state, that
1354 conduct shall be considered equivalent to such person's appointment
1355 of the commissioner or the commissioner's successor in office to be
1356 such person's attorney to receive service of any lawful process in any
1357 noncriminal suit, action or proceeding against such person or such
1358 person's successor executor or administrator which grows out of that
1359 conduct and which is brought under said sections or any regulation or
1360 order adopted or issued under said sections, with the same force and
1361 validity as if served on such person personally. Service may be made
1362 by leaving a copy of the process in the office of the commissioner, but
1363 such service shall not be effective unless (1) the plaintiff, who may be
1364 the commissioner in a suit, action or proceeding instituted by him or
1365 her, forthwith sends notice of the service and a copy of the process by
1366 registered mail, return receipt requested, or by any express delivery
1367 carrier that provides a dated delivery receipt, to the defendant or
1368 respondent at the defendant's or respondent's last known address, and
1369 (2) the plaintiff's affidavit of compliance with this subsection is filed in
1370 the case on or before the return day of the process, if any, or within
1371 such further time as the court allows.

1372 (d) The registration of a business opportunity under this section
1373 shall become effective on order of the commissioner.

1374 (e) (1) When any business opportunities have been sold or offered
1375 for sale without compliance with the registration provisions of sections
1376 36b-60 to 36b-80, inclusive, the seller thereof may apply in writing on
1377 forms designated by the commissioner for the postsale registration of
1378 such business opportunities.

1379 (2) A seller who seeks to register a business opportunity which has

1380 been sold or offered for sale without compliance with the registration
1381 provisions of sections 36b-60 to 36b-80, inclusive, shall submit the
1382 following to the commissioner:

1383 (A) The documents, information and registration fee required by
1384 subsection (a) of this section;

1385 (B) A single document, signed and sworn to by an executive officer
1386 of the seller, which contains an explanatory statement and a statement
1387 of nonprejudice;

1388 (i) The explanatory statement shall include the following
1389 information:

1390 [(aa)] (I) A statement that business opportunities were sold or
1391 offered for sale without compliance with the registration provisions of
1392 sections 36b-60 to 36b-80, inclusive;

1393 [(bb)] (II) A statement that, to induce each purchaser-investor to
1394 whom a business opportunity has been sold in violation of sections
1395 36b-60 to 36b-80, inclusive, to sign the statement of nonprejudice, the
1396 document is being prepared for presentation to that purchaser-
1397 investor;

1398 [(cc)] (III) A full and complete statement of the remedies provided to
1399 the purchaser-investor under section 36b-74;

1400 [(dd)] (IV) A statement containing any other material facts relating
1401 to the sale or offer for sale of the unregistered business opportunities;
1402 and

1403 [(ee)] (V) The most recent balance sheet and income statement of the
1404 seller.

1405 (ii) The statement of nonprejudice shall provide:

1406 [(aa)] (I) That the purchaser-investor to whom a business
1407 opportunity was sold without compliance with the registration
1408 provisions of sections 36b-60 to 36b-80, inclusive, has read the

1409 explanatory statement;

1410 [(bb)] (II) That the purchaser-investor to whom a business
1411 opportunity was sold without compliance with the registration
1412 provisions of sections 36b-60 to 36b-80, inclusive, is satisfied that he or
1413 she will not be defrauded, damaged or prejudiced by the postsale
1414 registration of the business opportunity; and

1415 [(cc)] (III) That each purchaser-investor to whom a business
1416 opportunity has been sold without compliance with the registration
1417 provisions of sections 36b-60 to 36b-80, inclusive, has not waived any
1418 of his or her rights under said sections by signing the statement.

1419 (3) The seller shall file the document containing both the
1420 explanatory statement and the statement of nonprejudice with the
1421 commissioner for review before the seller mails the document to each
1422 purchaser-investor to whom an unregistered business opportunity has
1423 been sold. The commissioner may object to the content of the
1424 document but shall in no way pass upon its truthfulness. Following
1425 review by the commissioner, the seller shall send the document by
1426 certified mail, return receipt requested, to each purchaser-investor to
1427 whom an unregistered business opportunity has been sold and shall
1428 submit copies of all return receipts to the commissioner. The seller
1429 shall certify that each purchaser-investor to whom an unregistered
1430 business opportunity was sold has signed the document, and shall
1431 return the signed documents to the commissioner. The seller shall also
1432 furnish the commissioner with a list of the names, addresses and
1433 telephone numbers of those purchaser-investors to whom business
1434 opportunities have been sold without compliance with the registration
1435 provisions of sections 36b-60 to 36b-80, inclusive, and the amount of
1436 payment furnished by each purchaser-investor for the business
1437 opportunity.

1438 (4) If it appears to the commissioner that no person has been
1439 defrauded, prejudiced or damaged by such noncompliance or sale and
1440 that no persons will be defrauded, prejudiced or damaged by such
1441 postsale registration, the commissioner may permit those business

1442 opportunities to be registered upon the payment of fifty dollars plus
1443 the fees prescribed in section 36b-65. Registration under the provisions
1444 of this subsection shall not affect the prosecution of a violation of any
1445 provision of sections 36b-60 to 36b-80, inclusive.

1446 Sec. 46. Section 36b-79 of the general statutes is repealed and the
1447 following is substituted in lieu thereof (*Effective from passage*):

1448 Within one hundred [and] twenty days following the end of the
1449 seller's most recent fiscal year and each year thereafter, each seller
1450 whose business opportunity has been registered under sections 36b-60
1451 to 36b-80, inclusive, shall renew the registration by submitting to the
1452 commissioner: (1) An annual renewal registration fee of one hundred
1453 dollars, which shall be nonrefundable; (2) an application filed in
1454 accordance with the requirements of subsection (a) of section 36b-65,
1455 reflecting all amendments as of the date of filing; (3) a disclosure
1456 document filed in accordance with the requirements of sections 36b-62
1457 and 36b-63, reflecting all amendments, clearly marked, since the date
1458 of the most recent disclosure document that was filed with the
1459 commissioner, or, if no such amendments have been made, an affidavit
1460 so stating; and (4) financial statements in accordance with the
1461 requirements of subsection (b) of section 36b-65. In the event that the
1462 seller fails to submit the fee and information within the time period
1463 and in accordance with requirements of this section, the registration of
1464 such seller's business opportunity shall terminate.

1465 Sec. 47. Section 38a-317 of the general statutes is repealed and the
1466 following is substituted in lieu thereof (*Effective from passage*):

1467 [A mobile homeowner] An owner of a mobile home shall be a
1468 homeowner for purposes of sections 38a-72 to 38a-75, inclusive, 38a-
1469 285, 38a-305 to 38a-318, inclusive, 38a-328, 38a-663 to 38a-696,
1470 inclusive, 38a-827 and 38a-894 to 38a-898, inclusive, and homeowners
1471 policies as regulated under said sections shall be offered on the same
1472 terms to such an owner as to other homeowners, when such [mobile
1473 homeowner] owner of a mobile home owns and occupies a mobile
1474 dwelling equipped for year-round living which is permanently

1475 attached to a permanent foundation on property owned or leased by
1476 such [mobile homeowner] owner of a mobile home, is connected to
1477 utilities, is assessed as real property on the tax list of the town in which
1478 it is located and is in conformance with applicable state and local laws
1479 and ordinances.

1480 Sec. 48. Section 38a-1049 of the general statutes is repealed and the
1481 following is substituted in lieu thereof (*Effective from passage*):

1482 (a) There is established an advisory committee to the Office of the
1483 Healthcare Advocate which shall meet four times a year with the
1484 Healthcare Advocate and the staff of the Office of the Healthcare
1485 Advocate to review and assess the performance of the Office of the
1486 Healthcare Advocate. The advisory committee shall consist of six
1487 members appointed one each by the president pro tempore of the
1488 Senate, the speaker of the House of Representatives, the majority
1489 leader of the Senate, the majority leader of the House of
1490 Representatives, the minority leader of the Senate and the minority
1491 leader of the House of Representatives. Each member of the advisory
1492 committee shall serve a term of five years and may be reappointed at
1493 the conclusion of that term. All initial appointments to the advisory
1494 committee shall be made not later than March 1, 2000.

1495 (b) The advisory committee shall make an annual evaluation of the
1496 effectiveness of the Office of the Healthcare Advocate and shall submit
1497 the evaluation to the Governor and the joint standing committees of
1498 the General Assembly having cognizance of matters relating to public
1499 health and insurance not later than April first of each year
1500 commencing February 1, 2001.

1501 Sec. 49. Section 42-110q of the general statutes is repealed and the
1502 following is substituted in lieu thereof (*Effective from passage*):

1503 (a) For the purposes of this section: [(i)] (1) "Service contractor" [is
1504 defined as] means a person engaged in the business of repairing,
1505 overhauling, adjusting, assembling or disassembling consumer goods;
1506 [(ii)] (2) "person" means a natural person, corporation, limited liability

1507 company, trust, partnership, incorporated or unincorporated
1508 association, and any other legal entity; [(iii)] (3) "consumer goods"
1509 means any article purchased, leased or rented primarily for personal,
1510 family or commercial purpose; and (4) "service charge" means the fee
1511 charged by the service contractor to respond to the request for services.

1512 (b) It shall be an unfair or deceptive trade practice, in violation of
1513 this chapter, for any service contractor to fail to disclose to a
1514 prospective customer, at the time the prospective customer makes
1515 initial contact by any means with the service contractor, that a service
1516 call made by the service contractor to the home or business of the
1517 prospective customer will require the payment by the prospective
1518 customer to the service contractor of separate and distinct fees for the
1519 following, if such is the case: [(i)] (1) Service charge, [defined as the fee
1520 charged by the service contractor to respond to the request for services;
1521 (ii)] and (2) labor charge.

1522 Sec. 50. Subdivision (2) of section 42-287 of the general statutes is
1523 repealed and the following is substituted in lieu thereof (*Effective from*
1524 *passage*):

1525 (2) Any transaction between a consumer and a bank, out-of-state
1526 bank, Connecticut credit union, federal credit union or out-of-state
1527 credit union, as each is defined in section 36a-2, or a mortgage broker,
1528 mortgage correspondent lender, [or] mortgage lender, sales finance
1529 company or small loan lender licensed under chapter 668, in which
1530 any such person [,] or such person's subsidiary, affiliate or agent
1531 markets its own services to a consumer.

1532 Sec. 51. Section 43-17 of the general statutes is repealed and the
1533 following is substituted in lieu thereof (*Effective from passage*):

1534 The avoirdupois pound shall bear to the troy pound the relation of
1535 seven thousand to five thousand seven hundred [and] sixty. The
1536 hundredweight shall contain one hundred avoirdupois pounds; and
1537 the ton, twenty hundredweight. The barrel for liquids shall contain
1538 thirty-one and one-half gallons, except the barrel for beer, ale and

1539 porter which shall contain thirty-one gallons; and the hogshead, two
1540 barrels. The liquid gallon shall contain two hundred [and] thirty-one
1541 cubic inches.

1542 Sec. 52. Section 43-18 of the general statutes is repealed and the
1543 following is substituted in lieu thereof (*Effective from passage*):

1544 The bushel in struck measure shall contain twenty-one hundred
1545 [and] fifty and forty-two hundredths cubic inches, and in heap
1546 measure twenty-five hundred [and] sixty-four cubic inches, except that
1547 each bushel of charcoal shall contain twenty-seven hundred [and]
1548 forty-eight cubic inches. When sold by weight, the bushel of charcoal
1549 shall weigh twenty pounds when commercially dry; the barrel of flour,
1550 one hundred [and] ninety-six pounds, and the barrel of potatoes, one
1551 hundred [and] fifty pounds.

1552 Sec. 53. Subdivision (5) of section 45a-535a of the general statutes is
1553 repealed and the following is substituted in lieu thereof (*Effective from*
1554 *passage*):

1555 (5) "Institutional fund" means a fund held by an institution
1556 exclusively for charitable purposes or a fund held by a trustee for a
1557 charitable community trust. The term does not include:

1558 (A) Program-related assets;

1559 (B) A fund held for an institution by a trustee that is not an
1560 institution, other than a fund which is held for a charitable community
1561 trust; or

1562 (C) A fund in which a beneficiary that is not an institution has an
1563 interest other than an interest that could arise upon violation or failure
1564 of the purposes of the fund.

1565 Sec. 54. Subsection (h) of section 46b-149 of the general statutes is
1566 repealed and the following is substituted in lieu thereof (*Effective from*
1567 *passage*):

1568 (h) If the court finds, based on clear and convincing evidence, that a
1569 child is from a family with service needs, the court may, in addition to
1570 issuing any orders under section 46b-121: (1) Refer the child to the
1571 Department of Children and Families for any voluntary services
1572 provided by the department or, if the child is from a family with
1573 service needs solely as a result of a finding that the child is a truant or
1574 habitual truant, to the authorities of the local or regional school district
1575 or private school for services provided by such school district or such
1576 school, which services may include summer school, or to community
1577 agencies providing child and family services; (2) order the child to
1578 remain in the child's own home or in the custody of a relative or any
1579 other suitable person (A) subject to the supervision of a probation
1580 officer, or (B) in the case of a child who is from a family with service
1581 needs solely as a result of a finding that the child is a truant or habitual
1582 truant, subject to the supervision of a probation officer and the
1583 authorities of the local or regional school district or private school; (3)
1584 if the child is from a family with service needs as a result of the child
1585 engaging in sexual intercourse with another person and such other
1586 person is thirteen years of age or older and not more than two years
1587 older or younger than such child, (A) refer the child to a youth service
1588 bureau or other appropriate service agency for participation in a
1589 program such as a teen pregnancy program or a sexually transmitted
1590 disease program, and (B) require such child to perform community
1591 service such as service in a hospital, an AIDS prevention program or
1592 an obstetrical and gynecological program; or (4) upon a finding that
1593 there is no less restrictive alternative, commit the child to the care and
1594 custody of the Commissioner of Children and Families for an
1595 indefinite period not to exceed eighteen months. The child shall be
1596 entitled to representation by counsel and an evidentiary hearing. If the
1597 court issues any order which regulates future conduct of the child,
1598 parent or guardian, the child, parent or guardian [,] shall receive
1599 adequate and fair warning of the consequences of violation of the
1600 order at the time it is issued, and such warning shall be provided to the
1601 child, parent or guardian, to his or her attorney and to his or her legal
1602 guardian in writing and shall be reflected in the court record and

1603 proceedings.

1604 Sec. 55. Subsection (e) of section 47a-14h of the general statutes is
1605 repealed and the following is substituted in lieu thereof (*Effective from*
1606 *passage*):

1607 (e) The complainant may seek and the court may order interim or
1608 final relief including, but not limited to, the following: (1) An order
1609 compelling the landlord to comply with [his] the landlord's duties
1610 under local, state or federal law; (2) an order appointing a receiver to
1611 collect rent or to correct conditions in the property which violate local,
1612 state or federal law; (3) an order staying other proceedings concerning
1613 the same property; (4) an award of money damages, which may
1614 include a retroactive abatement of rent paid pursuant to subsection (h)
1615 of this section; and (5) such other relief in law or equity as the court
1616 may deem proper. If the court orders a retroactive abatement of rent
1617 pursuant to subdivision (4) of this subsection and all or a portion of the
1618 tenant's rent was deposited with the court pursuant to subsection (h)
1619 of this section by a housing authority, municipality, state agency or
1620 similar entity, any rent ordered to be returned shall be returned to the
1621 tenant and such entity in proportion to the amount of rent each
1622 deposited with the court pursuant to subsection (h) of this section.

1623 Sec. 56. Subsection (a) of section 52-259a of the general statutes is
1624 repealed and the following is substituted in lieu thereof (*Effective from*
1625 *passage*):

1626 (a) Any member of the Division of Criminal Justice or the Division
1627 of Public Defender Services, any employee of the Judicial Department,
1628 acting in the performance of such employee's duties, the Attorney
1629 General, an assistant attorney general, the Consumer Counsel, any
1630 attorney employed by the Office of Consumer Counsel within the
1631 Department of Public Utility Control, the Department of Revenue
1632 Services, the Commission on Human Rights and Opportunities, the
1633 Freedom of Information Commission, the Board of Labor Relations,
1634 the Office of Protection and Advocacy for Persons with Disabilities, the
1635 Office of the Victim Advocate or the Department of Social Services, or

1636 any attorney appointed by the court to assist any of them or to act for
1637 any of them in a special case or cases, while acting in such attorney's
1638 official capacity or in the capacity for which such attorney was
1639 appointed, shall not be required to pay the fees specified in sections 52-
1640 258, 52-259 [.] and 52-259c, subsection (a) of section 52-356a, subsection
1641 (a) of section 52-361a, section 52-367a, subsection (b) of section 52-367b
1642 and subsection (n) of section 46b-231.

1643 Sec. 57. Subsection (g) of section 53-202 of the general statutes is
1644 repealed and the following is substituted in lieu thereof (*Effective from*
1645 *passage*):

1646 (g) Each machine gun in this state adapted to use projectiles of any
1647 caliber shall be registered in the office of the Commissioner of Public
1648 Safety within twenty-four hours after its acquisition and, thereafter,
1649 annually, on July first. Blanks for registration shall be prepared by said
1650 commissioner and furnished upon application. To comply with this
1651 subsection, the application as filed shall show the model and serial
1652 number of the gun, the name, address and occupation of the person in
1653 possession, and from whom and the purpose for which the gun was
1654 acquired. The registration data shall not be subject to inspection by the
1655 public. Any person who fails to register any gun as required hereby
1656 shall be presumed to possess the same for an offensive or aggressive
1657 purpose. The provisions of this subsection shall not apply to any
1658 machine gun which has been registered under the provisions of
1659 subsection (f) of this section and which is still in the actual possession
1660 of the manufacturer.

1661 Sec. 58. Subsection (a) of section 53-202aa of the general statutes is
1662 repealed and the following is substituted in lieu thereof (*Effective from*
1663 *passage*):

1664 (a) A person is guilty of firearms trafficking if such person,
1665 knowingly and intentionally, directly or indirectly, causes one or more
1666 firearms that such person owns, is in possession of or is in control of to
1667 come into the possession of or control of another person [whom] who
1668 such person knows or has reason to believe is prohibited from owning

1669 or possessing any firearm under state or federal law.

1670 Sec. 59. Section 53-249a of the general statutes is repealed and the
1671 following is substituted in lieu thereof (*Effective from passage*):

1672 Any person who sells or offers for sale at retail or gives away,
1673 living chickens, ducklings, other fowl or rabbits, which have been
1674 dyed, colored or otherwise treated so as to import to them an artificial
1675 color, shall be fined not more than one hundred [and] fifty dollars.

1676 Sec. 60. Section 53-332 of the general statutes is repealed and the
1677 following is substituted in lieu thereof (*Effective from passage*):

1678 No person shall bury the body of any deceased person within a
1679 distance of three hundred [and] fifty feet from any dwelling house
1680 unless a public highway intervenes between such place of burial and
1681 such dwelling house, or unless such body is encased in a lined vault,
1682 except in a cemetery established on or before November 1, 1911, or in a
1683 plot of land adjacent to such cemetery which has been made a part
1684 thereof with the approval in writing of the Commissioner of Public
1685 Health. Such approval shall contain a detailed description of the land
1686 so annexed and shall be recorded in the land records of the town in
1687 which such cemetery is situated. The provisions of this section shall
1688 not apply to any cemetery which, when established, was more than
1689 three hundred [and] fifty feet from any dwelling house. Any person
1690 who violates any provision of this section shall be fined not more than
1691 fifty dollars or imprisoned not more than thirty days or both.

1692 Sec. 61. Section 53a-25 of the general statutes is repealed and the
1693 following is substituted in lieu thereof (*Effective from passage*):

1694 (a) An offense for which a person may be sentenced to a term of
1695 imprisonment in excess of one year is a felony.

1696 (b) Felonies are classified for the purposes of sentence as follows: (1)
1697 Class A, (2) class B, (3) class C, (4) class D, (5) unclassified, and (6)
1698 capital felonies.

1699 (c) The particular classification of each felony defined in this chapter
1700 is expressly designated in the section defining it. Any offense defined
1701 in any other section of the general statutes which, by virtue of an
1702 expressly specified sentence, is within the definition set forth in
1703 subsection (a) of this section shall be deemed an unclassified felony.

1704 Sec. 62. Section 53a-26 of the general statutes is repealed and the
1705 following is substituted in lieu thereof (*Effective from passage*):

1706 (a) An offense for which a person may be sentenced to a term of
1707 imprisonment of not more than one year is a misdemeanor.

1708 (b) Misdemeanors are classified for the purposes of sentence as
1709 follows: (1) Class A, (2) class B, (3) class C_z and (4) unclassified.

1710 (c) The particular classification of each misdemeanor defined in this
1711 chapter is expressly designated in the section defining it. Any offense
1712 defined in any other section of the general statutes which, by virtue of
1713 an expressly specified sentence, is within the definition set forth in
1714 subsection (a) of this section shall be deemed an unclassified
1715 misdemeanor.

1716 Sec. 63. Section 53a-27 of the general statutes is repealed and the
1717 following is substituted in lieu thereof (*Effective from passage*):

1718 (a) An offense, for which the only sentence authorized is a fine, is a
1719 violation unless expressly designated an infraction.

1720 (b) Every violation defined in this chapter is expressly designated as
1721 such. Any offense defined in any other section which is not expressly
1722 designated a violation or infraction shall be deemed a violation if,
1723 notwithstanding any other express designation, it is within the
1724 definition set forth in subsection (a) of this section.

1725 Sec. 64. Section 53a-35 of the general statutes is repealed and the
1726 following is substituted in lieu thereof (*Effective from passage*):

1727 (a) For any felony committed prior to July 1, 1981, the sentence of

1728 imprisonment shall be an indeterminate sentence, except as provided
1729 in subsection (d) of this section. When such a sentence is imposed the
1730 court shall impose a maximum term in accordance with the provisions
1731 of subsection (b) of this section and the minimum term shall be as
1732 provided in subsection (c) or (d) of this section.

1733 (b) The maximum term of an indeterminate sentence shall be fixed
1734 by the court and specified in the sentence as follows: (1) For a class A
1735 felony, life imprisonment; (2) for a class B felony, a term not to exceed
1736 twenty years; (3) for a class C felony, a term not to exceed ten years; (4)
1737 for a class D felony, a term not to exceed five years; (5) for an
1738 unclassified felony, a term in accordance with the sentence specified in
1739 the section of the general statutes that defines the crime; and (6) for a
1740 capital felony, life imprisonment unless a sentence of death is imposed
1741 in accordance with section 53a-46a.

1742 (c) Except as provided in subsection (d) of this section, the
1743 minimum term of an indeterminate sentence shall be fixed by the court
1744 and specified in the sentence as follows: (1) For a class A felony, the
1745 minimum term shall not be less than ten nor more than twenty-five
1746 years; (2) for a class B, C or D felony the court may fix a minimum term
1747 of not less than one year nor more than one-half of the maximum term
1748 imposed, except that (A) where the maximum is less than three years
1749 the minimum term may be more than one-half the maximum term
1750 imposed, or (B) when a person is found guilty under [section 53a-
1751 59(a)(1)] subdivision (1) of subsection (a) of section 53a-59, section 53a-
1752 59a, [53a-101(a)(1) or 53a-134(a)(2)] subdivision (1) of subsection (a) of
1753 section 53a-101 or subdivision (2) of subsection (a) of section 53a-134,
1754 the minimum term shall be not less than five years and such sentence
1755 shall not be suspended or reduced, or when a person is found guilty
1756 under section 53a-60c, the minimum term shall be not less than three
1757 years and such sentence shall not be suspended or reduced, or when a
1758 person is found guilty under section 53a-60b, the minimum term shall
1759 be not less than two years and such sentence shall not be suspended or
1760 reduced; (3) for an unclassified felony, a term in accordance with the
1761 sentence specified in the section of the general statutes that defines the

1762 crime.

1763 (d) Notwithstanding the provisions of subsections (a) and (c) of this
1764 section, except as provided in subdivision (2) of [said] subsection (c) of
1765 this section, when a person is sentenced for a class C or D felony or for
1766 an unclassified felony, the maximum sentence for which does not
1767 exceed ten years, the court may impose a definite sentence of
1768 imprisonment and fix a term of one year or less; except when a person
1769 is found guilty under sections 53a-55a, 53a-56a, 53a-60a, 53a-70a, 53a-
1770 72b, 53a-92a, 53a-94a, 53a-102a and 53a-103a, the court shall not fix a
1771 term of less than one year.

1772 Sec. 65. Section 53a-46a of the general statutes is repealed and the
1773 following is substituted in lieu thereof (*Effective from passage*):

1774 (a) A person shall be subjected to the penalty of death for a capital
1775 felony only if a hearing is held in accordance with the provisions of
1776 this section.

1777 (b) For the purpose of determining the sentence to be imposed when
1778 a defendant is convicted of or pleads guilty to a capital felony, the
1779 judge or judges who presided at the trial or before whom the guilty
1780 plea was entered shall conduct a separate hearing to determine the
1781 existence of any mitigating factor concerning the defendant's character,
1782 background and history, or the nature and circumstances of the crime,
1783 and any aggravating factor set forth in subsection (i) of this section.
1784 Such hearing shall not be held if the state stipulates that none of the
1785 aggravating factors set forth in subsection (i) of this section exists or
1786 that any factor set forth in subsection (h) of this section exists. Such
1787 hearing shall be conducted (1) before the jury which determined the
1788 defendant's guilt, or (2) before a jury impaneled for the purpose of
1789 such hearing if (A) the defendant was convicted upon a plea of guilty;
1790 (B) the defendant was convicted after a trial before three judges as
1791 provided in subsection (b) of section 53a-45; or (C) if the jury which
1792 determined the defendant's guilt has been discharged by the court for
1793 good cause, or (3) before the court, on motion of the defendant and
1794 with the approval of the court and the consent of the state.

1795 (c) In such hearing the court shall disclose to the defendant or [his]
1796 the defendant's counsel all material contained in any presentence
1797 report which may have been prepared. No presentence information
1798 withheld from the defendant shall be considered in determining the
1799 existence of any mitigating or aggravating factor. Any information
1800 relevant to any mitigating factor may be presented by either the state
1801 or the defendant, regardless of its admissibility under the rules
1802 governing admission of evidence in trials of criminal matters, but the
1803 admissibility of information relevant to any of the aggravating factors
1804 set forth in subsection (i) of this section shall be governed by the rules
1805 governing the admission of evidence in such trials. The state and the
1806 defendant shall be permitted to rebut any information received at the
1807 hearing and shall be given fair opportunity to present argument as to
1808 the adequacy of the information to establish the existence of any
1809 mitigating or aggravating factor. The burden of establishing any of the
1810 aggravating factors set forth in subsection (i) of this section shall be on
1811 the state. The burden of establishing any mitigating factor shall be on
1812 the defendant.

1813 (d) In determining whether a mitigating factor exists concerning the
1814 defendant's character, background or history, or the nature and
1815 circumstances of the crime, pursuant to subsection (b) of this section,
1816 the jury or, if there is no jury, the court shall first determine whether a
1817 particular factor concerning the defendant's character, background or
1818 history, or the nature and circumstances of the crime, has been
1819 established by the evidence, and shall determine further whether that
1820 factor is mitigating in nature, considering all the facts and
1821 circumstances of the case. Mitigating factors are such as do not
1822 constitute a defense or excuse for the capital felony of which the
1823 defendant has been convicted, but which, in fairness and mercy, may
1824 be considered as tending either to extenuate or reduce the degree of
1825 [his] the defendant's culpability or blame for the offense or to
1826 otherwise constitute a basis for a sentence less than death.

1827 (e) The jury or, if there is no jury, the court shall return a special
1828 verdict setting forth its findings as to the existence of any factor set

1829 forth in subsection (h) of this section, the existence of any aggravating
1830 factor or factors set forth in subsection (i) of this section and whether
1831 any aggravating factor or factors outweigh any mitigating factor or
1832 factors found to exist pursuant to subsection (d) of this section.

1833 (f) If the jury or, if there is no jury, the court finds that (1) none of
1834 the factors set forth in subsection (h) of this section exist, (2) one or
1835 more of the aggravating factors set forth in subsection (i) of this section
1836 exist, and (3) (A) no mitigating factor exists, or (B) one or more
1837 mitigating factors exist but are outweighed by one or more
1838 aggravating factors set forth in subsection (i) of this section, the court
1839 shall sentence the defendant to death.

1840 (g) If the jury or, if there is no jury, the court finds that (1) any of the
1841 factors set forth in subsection (h) of this section exist, or (2) none of the
1842 aggravating factors set forth in subsection (i) of this section exists, or
1843 (3) one or more of the aggravating factors set forth in subsection (i) of
1844 this section exist and one or more mitigating factors exist, but the one
1845 or more aggravating factors set forth in subsection (i) of this section do
1846 not outweigh the one or more mitigating factors, the court shall impose
1847 a sentence of life imprisonment without the possibility of release.

1848 (h) The court shall not impose the sentence of death on the
1849 defendant if the jury or, if there is no jury, the court finds by a special
1850 verdict, as provided in subsection (e) of this section, that at the time of
1851 the offense (1) the defendant was under the age of eighteen years, or
1852 (2) the defendant was a person with mental retardation, as defined in
1853 section 1-1g, or (3) the defendant's mental capacity was significantly
1854 impaired or the defendant's ability to conform the defendant's conduct
1855 to the requirements of law was significantly impaired but not so
1856 impaired in either case as to constitute a defense to prosecution, or (4)
1857 the defendant was criminally liable under sections 53a-8, 53a-9 and
1858 53a-10 for the offense, which was committed by another, but the
1859 defendant's participation in such offense was relatively minor,
1860 although not so minor as to constitute a defense to prosecution, or (5)
1861 the defendant could not reasonably have foreseen that the defendant's

1862 conduct in the course of commission of the offense of which the
1863 defendant was convicted would cause, or would create a grave risk of
1864 causing, death to another person.

1865 (i) The aggravating factors to be considered shall be limited to the
1866 following: (1) The defendant committed the offense during the
1867 commission or attempted commission of, or during the immediate
1868 flight from the commission or attempted commission of, a felony and
1869 the defendant had previously been convicted of the same felony; or (2)
1870 the defendant committed the offense after having been convicted of
1871 two or more state offenses or two or more federal offenses or of one or
1872 more state offenses and one or more federal offenses for each of which
1873 a penalty of more than one year imprisonment may be imposed, which
1874 offenses were committed on different occasions and which involved
1875 the infliction of serious bodily injury upon another person; or (3) the
1876 defendant committed the offense and in such commission knowingly
1877 created a grave risk of death to another person in addition to the
1878 victim of the offense; or (4) the defendant committed the offense in an
1879 especially heinous, cruel or depraved manner; or (5) the defendant
1880 procured the commission of the offense by payment, or promise of
1881 payment, of anything of pecuniary value; or (6) the defendant
1882 committed the offense as consideration for the receipt, or in
1883 expectation of the receipt, of anything of pecuniary value; or (7) the
1884 defendant committed the offense with an assault weapon, as defined
1885 in section 53-202a; or (8) the defendant committed the offense set forth
1886 in subdivision (1) of section 53a-54b to avoid arrest for a criminal act or
1887 prevent detection of a criminal act or to hamper or prevent the victim
1888 from carrying out any act within the scope of the victim's official
1889 duties or to retaliate against the victim for the performance of the
1890 victim's official duties.

1891 Sec. 66. Subsection (a) of section 54-142e of the general statutes is
1892 repealed and the following is substituted in lieu thereof (*Effective from*
1893 *passage*):

1894 (a) Notwithstanding the provisions of subsection (e) of section 54-

1895 142a and section 54-142c, with respect to any person, including, but not
 1896 limited to, a consumer reporting agency, as defined in subsection (h) of
 1897 section 31-51i, [who] that purchases criminal matters of public record,
 1898 as defined in said subsection (h), from the Judicial Department, the
 1899 department shall make available to such person information
 1900 concerning such criminal matters of public record that have been
 1901 erased pursuant to section 54-142a. Such information may include
 1902 docket numbers or other information that permits the person to
 1903 identify and permanently delete records that have been erased
 1904 pursuant to section 54-142a.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	2c-8
Sec. 2	<i>from passage</i>	3-76q(a)
Sec. 3	<i>from passage</i>	5-259d(d)
Sec. 4	<i>from passage</i>	6-32d
Sec. 5	<i>from passage</i>	7-51(a)
Sec. 6	<i>from passage</i>	7-65
Sec. 7	<i>from passage</i>	8-265dd(b)
Sec. 8	<i>from passage</i>	9-249a
Sec. 9	<i>from passage</i>	10a-77(b)
Sec. 10	<i>from passage</i>	10a-99(b)
Sec. 11	<i>from passage</i>	10a-105(b) and (c)
Sec. 12	<i>from passage</i>	10-397(a)(5)
Sec. 13	<i>from passage</i>	12-412(82)
Sec. 14	<i>from passage</i>	12-809
Sec. 15	<i>from passage</i>	14-1(53)
Sec. 16	<i>from passage</i>	14-25b(a)
Sec. 17	<i>from passage</i>	14-379
Sec. 18	<i>from passage</i>	16a-4c(b)
Sec. 19	<i>from passage</i>	16a-48(a)(10)
Sec. 20	<i>from passage</i>	17b-93(c)
Sec. 21	<i>from passage</i>	17b-105h(a)
Sec. 22	<i>from passage</i>	17b-232
Sec. 23	<i>from passage</i>	17b-341(a)
Sec. 24	<i>from passage</i>	17b-522(b)
Sec. 25	<i>from passage</i>	19a-44

Sec. 26	<i>from passage</i>	19a-509f
Sec. 27	<i>from passage</i>	19a-659
Sec. 28	<i>from passage</i>	20-230d(a)
Sec. 29	<i>from passage</i>	20-377p
Sec. 30	<i>from passage</i>	21-80(b)(2)
Sec. 31	<i>from passage</i>	21a-240(55)
Sec. 32	<i>from passage</i>	22-277a(b)
Sec. 33	<i>from passage</i>	22a-66g(a)
Sec. 34	<i>from passage</i>	22a-373
Sec. 35	<i>from passage</i>	25-204(d)
Sec. 36	<i>from passage</i>	25-234(d) to (f)
Sec. 37	<i>from passage</i>	27-102a(a)
Sec. 38	<i>from passage</i>	27-108(a)
Sec. 39	<i>from passage</i>	36a-485(10)
Sec. 40	<i>from passage</i>	36a-490(e)
Sec. 41	<i>from passage</i>	36a-492(a)
Sec. 42	<i>from passage</i>	36a-493(a)
Sec. 43	<i>from passage</i>	36a-725
Sec. 44	<i>from passage</i>	36a-760(a)(5) and (6)
Sec. 45	<i>from passage</i>	36b-62
Sec. 46	<i>from passage</i>	36b-79
Sec. 47	<i>from passage</i>	38a-317
Sec. 48	<i>from passage</i>	38a-1049
Sec. 49	<i>from passage</i>	42-110q
Sec. 50	<i>from passage</i>	42-287(2)
Sec. 51	<i>from passage</i>	43-17
Sec. 52	<i>from passage</i>	43-18
Sec. 53	<i>from passage</i>	45a-535a(5)
Sec. 54	<i>from passage</i>	46b-149(h)
Sec. 55	<i>from passage</i>	47a-14h(e)
Sec. 56	<i>from passage</i>	52-259a(a)
Sec. 57	<i>from passage</i>	53-202(g)
Sec. 58	<i>from passage</i>	53-202aa(a)
Sec. 59	<i>from passage</i>	53-249a
Sec. 60	<i>from passage</i>	53-332
Sec. 61	<i>from passage</i>	53a-25
Sec. 62	<i>from passage</i>	53a-26
Sec. 63	<i>from passage</i>	53a-27
Sec. 64	<i>from passage</i>	53a-35
Sec. 65	<i>from passage</i>	53a-46a
Sec. 66	<i>from passage</i>	54-142e(a)

JUD *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill makes various grammatical changes and changes of reference that are technical and have no fiscal impact.

The Out Years

There is no fiscal impact in the out years.

OLR Bill Analysis

HB 6698

***AN ACT CONCERNING THE 2009 REVISOR'S TECHNICAL
CORRECTIONS TO THE GENERAL STATUTES.***

SUMMARY:

This bill makes numerous technical changes.

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 41 Nay 0 (03/27/2009)